

CAUSE NO. 2011-76724

Harris County, Texas,)
et al., Plaintiffs,)
)
vs.)
)
International Paper)
Company, et al.,)
Defendants.)
) 295TH JUDICIAL DISTRICT

CAUSE NO. 2012-58016

Dao Van Pho, et al.,)
Plaintiffs,)
)
vs.)
)
International Paper)
Company, et al.,)
Defendants.)
) 125TH JUDICIAL DISTRICT

CAUSE NO. 2012-66308

Jim Harpster and Jennifer)
Harpster, et al.,)
Plaintiffs,)
)
vs.)
)
International Paper)
Company, et al.,)
Defendants.)
) 11TH JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION

JENNIFER SAMPSON WHITE

April 17, 2014

Volume 1 of 1

ORAL AND VIDEOTAPED DEPOSITION OF JENNIFER SAMPSON

WHITE, produced as a witness at the instance of the Plaintiff Harris County, Texas, and duly sworn, was taken in the above-styled and numbered cause on April 17, 2014, from 9:36 a.m. to 5:33 p.m., before Jan Johnston, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Morgan, Lewis & Bockius LLP, 1000 Louisiana Street, Suite 4000, Houston, Texas 77002, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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EXHIBITS

EXHIBIT	DESCRIPTION	PAGE
No. 387	Professional Profile, Jennifer Sampson	9
No. 388	Printout from Integral Consulting Website: News: 2010 Dioxin Conference: Integral to Present on Bioaccumulation in Fish, 9-8-10	53
No. 389	April 2010 Sampling and Analysis Plan: Sediment Study, San Jacinto River Waste Pits Superfund Site	89
No. 390	May 2011 COPC Technical Memorandum, San Jacinto River Waste Pits Superfund Site	131

CERTIFIED QUESTIONS

PAGE LINE

Q. (By Mr. Wotring) And tell me what you talked about with Mr. Slowiak about the site.

40 20

Q. (By Mr. Wotring) What did you talk about with Mr. Smith about the pits?

42 1

Q. (By Mr. Wotring) And will you tell me what your client's input was into those technical requirements?

50 5

Q. (By Mr. Wotring) Were drafts of Exhibit No. 389 sent to counsel for your clients, International Paper and MIMC, for review and comment?

96 9

Q. (By Mr. Wotring) And what site did Dr. Aldea work on where a similar type of unmixing analysis was performed?

162 17

Q. (By Mr. Wotring) And did respondents have comments and edits to Exhibit No. 268?

185 19

Q. (By Mr. Wotring) And which expert reports have you reviewed?

203 19

1 THE VIDEOGRAPHER: Today's date is April
2 the 17th, 2014. The time now is 9:36, and we're now on
3 the record.

4 JENNIFER SAMPSON WHITE,
5 having been first duly sworn, testified as follows:

6 EXAMINATION

7 Q. (BY MR. WOTRING) Would you please tell us your
8 name?

9 A. My name is Jennifer Sampson White.

10 Q. And would you prefer to be addressed as
11 Ms. Sampson, Ms. Sampson-White, or Ms. White during this
12 deposition?

13 A. Ms. Sampson is fine.

14 Q. Ms. Sampson is fine, okay. And you currently
15 work for Integral Consulting; is that correct?

16 A. Yes.

17 Q. And how long have you worked there?

18 A. About nine and a half years.

19 Q. Have you ever given a deposition before?

20 A. No.

21 Q. Okay. Well, let me explain the process as I
22 understand it. You understand you've just taken the
23 same oath you would take if you were testifying live at
24 trial.

25 A. I understand.

1 Q. Okay. And we're trying to create a clean
2 record. So if you would let me finish my question
3 before you start your answer, then the court reporter
4 taking it down can create a clean record and avoid any
5 confusion, okay?

6 A. Okay.

7 Q. If you want to take a break at any time, please
8 let me know. I'm happy to accommodate you. If I ask a
9 question that does not make sense, please also let me
10 know and I'll try and rephrase it if I can, okay?

11 A. Okay.

12 Q. You're doing a pretty good job, but I need to
13 remind you that she can't take down an uh-huh or an
14 huh-uh, and one of the more frustrating experiences in
15 your career as a lawyer is to look at a transcript and
16 find out you've got an uh-huh answer. So you have to
17 answer yes or no, and I might occasionally remind you
18 that I need a verbal answer to my question, okay?

19 A. Okay.

20 Q. All right. Well, I think I found a little bit
21 of information about you from the internet, and I'm
22 going to mark what I'm going to call Sampson Exhibit
23 No. 1, Counsel, until we get the last exhibit number and
24 then I'll substitute it in so we can keep our continuous
25 stream of exhibits going.

1 (Exhibit No. 1 marked)

2 Q. Here is Exhibit No. 1. And is Exhibit No. 1
3 information that you've put together about your
4 background, education, and experience?

5 A. Yes.

6 Q. And I think we got that off the Integral
7 website. Does that sound familiar?

8 A. It does.

9 Q. All right. Well, let me explore some of issues
10 on this. And as I understand it, your connection to
11 this case is you were the chief project person for
12 Integral Consulting on the San Jacinto River waste pits,
13 correct?

14 A. I was the project manager for Integral
15 Consulting.

16 Q. Okay. I've got some more information about
17 that that I want to talk to you about. Do you still
18 have that role, or have you moved on to other
19 assignments?

20 A. I do have that role.

21 Q. And according to the information on Sampson
22 Exhibit No. 1, you are an aquatic ecologist and risk
23 assessor; is that correct?

24 A. That is correct.

25 Q. You got your bachelor's degree from Clark

1 University in environment, technology and society in
2 1987, correct?

3 A. Yes.

4 Q. And then you got your master's in fishery from
5 the University of Washington in 1994, correct?

6 A. Yes.

7 Q. In between '87 and 1994, what did you do
8 professionally?

9 A. I held a number of different positions in
10 natural resource management and consulting.

11 Q. Were you working at Integral during that time?

12 A. No.

13 Q. What companies were you working for during that
14 time?

15 A. I worked at PTI Environmental Services starting
16 in 1990.

17 Q. And was that located in the Seattle area?

18 A. Yes.

19 Q. So did you leave Clark University and then go
20 work for PTI Environmental in the Seattle area?

21 A. No, I held several internships between those
22 two positions.

23 Q. Could you describe the internships you've held?

24 A. I had an internship with the State of Maine
25 doing epidemiological research. I had a position as a

1 ranger with the Bureau of Land Management for three
2 months in 1989. I had a position with Student
3 Conservation Association in a group repairing trails
4 after the 1988 fires in Yellowstone. Those are the
5 positions I can remember.

6 Q. Okay. And then you started out with PTI
7 Environmental Services.

8 A. In 1990.

9 Q. And then after you completed your master's in
10 fisheries in 1994, did you start work for Integral at
11 that time?

12 A. No, I went to work for Exponent Environmental.
13 Actually, it was PTI then. It wasn't Exponent until a
14 few years later.

15 Q. I see. So you went back --

16 A. I went back to PTI Environmental, yes.

17 Q. And PTI became Exponent?

18 A. That's right.

19 Q. And when did you leave Exponent and go to
20 Integral?

21 A. I left Exponent in the very end of 1998. I
22 took a position with a nonprofit organization called
23 10,000 Years Institute.

24 Q. And you were on the board of that organization?

25 A. That's right. I still am.

1 Q. You still are. Okay, the last information we
2 received or were able to find, it said that it was up in
3 2005. But you're still on the board of the 10,000 Years
4 association.

5 A. That's correct.

6 Q. Okay. And when did you stop working there and
7 start working at Integral?

8 A. At the end of 2004.

9 Q. And then that takes us, your full-time
10 professional job is at Integral from 2004 forward.

11 A. That's correct.

12 Q. If you would look at the rest of Exhibit No. 1
13 to your deposition, and in particular the relevant
14 experience, you identify several different sites on
15 Exhibit No. 1. Which of those sites did you work on at
16 Integral?

17 A. Which of these did I work on at Integral.

18 Q. Yeah.

19 A. San Jacinto River Waste Pits RI/FS, Lower
20 Duwamish Waterway RI/FS, Stream Ecological Evaluation in
21 Missouri, Upper Columbia River RI/FS, a Cooperative NRDA
22 in the Southeastern United States, a Former Wood
23 Processing Facility in Cass Lake, Minnesota, Victoria
24 Capital Regional District in Victoria, BC, and my
25 project management and leadership experience listed

1 here.

2 Q. Okay. The remainder you would have worked at
3 prior to starting at Integral?

4 A. On the other items, I was working at other,
5 other than Integral.

6 Q. Okay. Going back to the first page of Sampson
7 Exhibit No. 1, you said that you're an aquatic ecologist
8 and risk assessor. Describe for me what you mean when
9 you use that term "risk assessor."

10 A. I design, manage, and conduct risk assessments
11 at various sites.

12 Q. How many risk assessments have you done at
13 different sites?

14 A. I don't know the exact number.

15 Q. And by risk assessment, what do you mean?

16 A. By risk assessment, what do I mean?

17 Q. Yes. What do you mean when you use the term
18 you do risk assessments?

19 A. Risk assessment is a broad category of
20 activities that involves analysis of data under
21 hypothetical scenarios to inform risk management
22 decisions.

23 Q. And describe for me your training in performing
24 risk assessments.

25 A. My undergraduate degree was focused on

1 evaluation of the interface between people and the
2 environment, and I started my risk assessment studies
3 there at Clark University.

4 Q. Okay. Any other training you got in performing
5 risk assessments?

6 A. I've probably taken some training courses over
7 the years. I can't remember any specific training,
8 other than my undergraduate education and training I get
9 at work.

10 Q. I want you to identify for me all the classes
11 you took as an undergraduate. Well, let me do it this
12 way. You are not a medical doctor, correct?

13 A. That's correct.

14 Q. You are not a toxicologist, correct?

15 A. That's correct.

16 Q. You don't have a degree in public health,
17 correct?

18 A. That's correct.

19 Q. You don't have a degree in statistics or
20 epidemiology, correct?

21 A. That is correct.

22 Q. So why don't you describe for me the courses
23 that you took in undergraduate at Clark University that
24 you think provided you training for handling risk
25 assessments.

1 MR. STANFIELD: Objection, form. You can
2 answer if you can.

3 A. It was too long ago for me to remember the
4 specific courses.

5 Q. (BY MR. WOTRING) Do you have any other degrees
6 not identified on Page 1 or in Exhibit No. 1?

7 A. I do not.

8 Q. You're a certified fisheries professional? Can
9 you describe for me generally what that is?

10 A. The American Fisheries Society offers
11 certification for people who have experience and
12 fisheries-related activity to a certain level according
13 to their definition, and I meet that standard.

14 Q. The date here says 2013. Did you have a
15 previous certification, or is that the first time you
16 got certified?

17 A. That's the first time I was certified by the
18 American Fisheries Society.

19 Q. Okay. Then you got a Certified Senior
20 Ecologist for the Ecological Society of America of 2007.
21 Generally, what is that?

22 A. Similarly, the Ecological Society of America
23 establishes certain amounts of time or types of
24 activities that a professional needs to execute to meet
25 their standards of a certified ecologist, and I meet

1 those standards.

2 Q. On Page 2, you have some continuing education
3 and training identified. Is that a complete list of
4 your continuing education and training?

5 A. It is.

6 Q. I don't see, you're not a professional
7 engineer, correct?

8 A. That's correct.

9 Q. The Society of Environmental Toxicology and
10 Chemistry identified in the professional affiliations on
11 Page 2 of Exhibit No. 1, how do you become a member of
12 that society?

13 A. I think you simply provide a certain amount of
14 identification information and pay an annual fee.

15 Q. You've got identified under relevant experience
16 the Remedial Investigation and Feasibility Studies, and
17 the first one identified is for the San Jacinto River
18 waste pits, correct?

19 A. That's correct.

20 Q. Okay. And you identify yourself as Integral's
21 project manager for the Remedial Investigation and
22 Feasibility Study, correct?

23 A. That's correct.

24 Q. Did you have any role in any of the prior
25 studies, other than the RI/FS study?

1 A. I'm sorry, could you please clarify the
2 question?

3 Q. Certainly, and let me explain a little bit for
4 the court reporter. We're going to be -- or and you.
5 When I use the term RI/FS, can we agree that means the
6 Remedial Investigation and Feasibility Study?

7 A. Yes.

8 Q. I will try and avoid as many acronyms as I can,
9 but I think this one makes sense to use.

10 So you identify yourself as being the
11 project manager for the RI/FS for the San Jacinto River
12 Waste Pits Superfund Site, and my question is did you
13 have a role in any of the other reports that Anchor and
14 Integral created for the San Jacinto River waste pits?

15 MR. STANFIELD: Objection, form.

16 A. I don't know what other reports you're speaking
17 of.

18 Q. (BY MR. WOTRING) Are you aware of any other
19 reports being created by Anchor or Integral for the
20 San Jacinto River waste pits, aside from the RI/FS
21 report?

22 A. Yes.

23 Q. Okay. How many other reports are you familiar
24 with?

25 A. There are reports being prepared under the

1 Administrative Order on Consent.

2 Q. There were a lot of them, weren't there?

3 MR. STANFIELD: Objection, form.

4 Q. (BY MR. WOTRING) For example, the Baseline
5 Human Health and Risk Assessment, that was a report that
6 was created, correct?

7 A. Under the RI/FS, yes.

8 Q. Are all the reports -- maybe we're not -- I'm
9 not understanding. Are all of the reports leading up to
10 the RI/FS that are mentioned in the RI/FS, are they part
11 of the RI/FS report, or are they separate reports in
12 your mind?

13 A. The studies that Integral conducted or
14 supported that were required under the Unilateral
15 Administrative Order for the RI/FS are part of the
16 RI/FS.

17 Q. Okay. And generally, can you tell me the
18 difference between what Integral was doing on the
19 San Jacinto River Waste Pits Superfund Site and what
20 Anchor was doing?

21 A. Integral and Anchor were a team and worked
22 together on pretty much all aspects, but not everything
23 specifically.

24 Q. Okay. All right. Let's try and shorten
25 something else up. So I don't have to keep saying

1 San Jacinto River Waste Pits Superfund Site, can we just
2 call it the site?

3 MR. STANFIELD: Objection, form, to the
4 extent that you're including the southern impoundments.

5 MR. WOTRING: Well, I was going to clear
6 that up.

7 Q. (BY MR. WOTRING) So Mr. Stanfield wants me to
8 clear it up. He's not really following by the Rules,
9 but okay.

10 The San Jacinto River Waste Pits Superfund
11 Site, can we agree that that refers to the northern
12 impoundments?

13 A. Yes.

14 Q. All right. And if I ask you a question about
15 the southern impoundments, I'll say the words southern
16 impoundments, okay?

17 A. Okay.

18 Q. So the site, you are the project manager for
19 the Remedial Investigation and Feasibility Study for the
20 site, and I take it that you work with other people at
21 Integral on -- in handling Integral's job for the site.

22 A. Yes.

23 Q. All right. Who else from Integral did you work
24 with?

25 A. I worked with statisticians and toxicologists,

1 other ecologists, document production managers, and
2 others.

3 Q. All right. And I want to know if you can
4 remember any of their names.

5 A. The names of the key people are listed in our
6 documents.

7 Q. Can you remember any of the names of the key
8 people, or do we have to go to the documents?

9 A. Sure. Dreas Nielsen, Craig Hutchings, Eron
10 Dodak.

11 Q. Anybody else?

12 A. There were lots of people involved in the
13 project.

14 Q. Are those people identified in the reports that
15 you created?

16 A. Not all of them, no.

17 Q. Are any of them identified?

18 A. Those three are.

19 Q. Yeah. Well, talk about -- is Dreas Nielsen a
20 man or a woman?

21 A. A man.

22 Q. What qualifications or what degrees does
23 Mr. Nielsen have?

24 MR. STANFIELD: Objection, form.

25 A. I don't know.

1 Q. (BY MR. WOTRING) Is Mr. Nielsen an
2 epidemiologist, a toxicologist, or a medical doctor?

3 A. No.

4 Q. Is Mr. Nielsen a statistician?

5 A. Yes.

6 Q. And what kind of training does he have in
7 statistics?

8 MR. STANFIELD: Objection, form.

9 A. I can't recite his training.

10 Q. (BY MR. WOTRING) Does he have a degree in
11 statistics?

12 A. I don't know.

13 Q. Okay. How about Mr. Hutchings? Hutchins?
14 Hutchings? Could you spell it for us?

15 A. Hutchings, H-U-T-C-H-I-N-G-S.

16 Q. Okay. What kind of degrees does Mr. Hutchings
17 have?

18 MR. STANFIELD: Objection, form.

19 A. I don't know.

20 Q. (BY MR. WOTRING) Is he an epidemiologist?

21 A. No.

22 Q. A toxicologist?

23 A. No.

24 Q. Does he have training in statistics?

25 A. No.

1 Q. Is he a medical doctor?

2 A. No.

3 Q. And then the last one is Mr. Bobek? You
4 identified three people, Mr. Nielsen, Mr. Hutchings, and
5 somebody who looks written down on my pad like
6 Mr. Bobek. That may not be right.

7 A. Eron Dodak.

8 Q. Dodak, I'm sorry. And is that a Mr. Dodak?

9 A. Yes.

10 Q. And what is Mr. Dodak's training?

11 MR. STANFIELD: Objection, form. If you
12 know.

13 A. I don't know.

14 Q. (BY MR. WOTRING) All right. You mentioned in
15 an earlier answer that you had worked with
16 statisticians, toxicologists, and ecologists at Integral
17 in preparing and in doing Integral's work on the site.
18 Let's start with the statisticians. Who were the
19 statisticians at Integral that worked for Integral on
20 the site?

21 MR. STANFIELD: Objection, form. You can
22 answer to the extent you can remember.

23 A. Dreas Nielsen and Mihai Aldea were the primary
24 statisticians.

25 Q. (BY MR. WOTRING) And the last name, could you

1 spell that?

2 A. A-L-D-E-A.

3 Q. And how do you say that? Aldea?

4 A. Uh-huh (affirmative).

5 Q. And what is Mr. or Mrs. Aldea's training?

6 A. I don't know the specific degrees held by
7 Dr. Aldea.

8 Q. And do you know what the doctorate is in?

9 A. I don't know specifically.

10 Q. Is it in statistics?

11 MR. STANFIELD: Objection, form.

12 A. I don't know.

13 Q. (BY MR. WOTRING) All right. What
14 toxicologists did you work on at Integral on the site?

15 A. Ellen Ebert, Ann Bradley, and Russ Keenan.

16 Q. Okay. And what is Mr. Keenan's or Dr. Keenan's
17 degree in?

18 A. I don't know for sure.

19 Q. Is it a doctor?

20 A. Yes.

21 Q. Is it a Ph.D. or an M.D.?

22 A. Excuse me?

23 Q. Does Dr. Keenan have a Ph.D. or an M.D.?

24 A. A Ph.D.

25 Q. And you don't know whether it's in toxicology

1 or not?

2 A. No.

3 Q. Okay. Mr. or Mrs. Ebert? What degree does
4 Mr. or Mrs. Ebert have?

5 A. I don't know what Ms. Ebert has.

6 Q. Well, you say that she was involved in
7 toxicology aspects of Integral's work on the site. Why
8 was she involved in the toxicology aspects?

9 MR. STANFIELD: Objection, form.

10 A. She is knowledgeable in dioxin toxicity.

11 Q. (BY MR. WOTRING) And how did she obtain that
12 knowledge in dioxin toxicity?

13 MR. STANFIELD: Objection, form.

14 A. I don't know.

15 Q. (BY MR. WOTRING) Well, how do you know that
16 she is knowledgeable in dioxin toxicity?

17 MR. STANFIELD: Objection, form.

18 A. How do I know?

19 Q. (BY MR. WOTRING) Yes.

20 MR. STANFIELD: She's here as an
21 individual, Earnest, so don't get combative with her.
22 She's not here as a corporate rep.

23 MR. WOTRING: I'm not being combative.
24 I'm asking a question.

25 MR. STANFIELD: You're getting a tone with

1 Ms. Sampson --

2 MR. WOTRING: Oh, please.

3 MR. STANFIELD: You are.

4 Q. (BY MR. WOTRING) Please answer my question.

5 A. Her professional experience.

6 Q. What is her professional experience?

7 A. She has worked as a toxicologist in consulting
8 for many years.

9 Q. How long?

10 A. Over two decades.

11 Q. And what is her experience in working on dioxin
12 toxicity?

13 A. She has significant experience working on
14 dioxin toxicity, but I can't list that experience for
15 you.

16 Q. Okay. Do you know what other sites she's
17 worked on involving dioxin toxicity?

18 A. I do not.

19 Q. Has she ever worked on another site involving
20 dioxin toxicity from paper mill waste?

21 A. I don't know.

22 Q. And you don't know what her degree is in?

23 A. I don't.

24 Q. The third name was Andrea Bradley?

25 A. Ann Bradley.

1 Q. Ann Bradley. And do you know what
2 Ms. Bradley's degree is in?

3 A. I don't.

4 Q. And what experience does she have in
5 toxicology?

6 A. She has her education and her work experience
7 as a consultant.

8 Q. And what was her education, again? Do you
9 know?

10 A. I know she's technically trained. I don't know
11 the name of the degree she holds.

12 Q. Who selected these people to work on the
13 San Jacinto River waste pits site?

14 A. I did.

15 Q. Who supervised their work on the San Jacinto
16 River waste pits site?

17 A. What do you mean by supervise?

18 Q. Does the words -- well, how about this one? As
19 the project manager for the site for Integral, was there
20 anybody above you at Integral who was working on that
21 site?

22 A. At Integral, we have a collaborative approach
23 to our work, and Ann Bradley would have sought counsel
24 from me and others, Ellen Ebert and Russ Keenan --

25 Q. Okay.

1 A. -- on matters of technical and procedural
2 concerns related to performing an RI/FS.

3 Q. Okay. Did Ms. Bradley supervise the work of
4 the other toxicology people at Integral?

5 A. No.

6 MR. STANFIELD: Objection, form.

7 Q. (BY MR. WOTRING) So among the toxicology
8 people, was there one person who was responsible for the
9 work of the others?

10 A. Not exactly, no.

11 Q. Okay. Did they all work collaboratively
12 together to put their work product together?

13 A. Yes.

14 Q. And did they submit that work product to you
15 for approval before going in the various reports that
16 were done on the San Jacinto River waste pits site?

17 A. I reviewed their work.

18 Q. Okay. Are you qualified to review toxicology
19 work on dioxin?

20 MR. STANFIELD: Objection, form.

21 A. No, and that was not my role. That was Ellen
22 Ebert's role.

23 Q. (BY MR. WOTRING) Do you know if Ms. Ebert has
24 ever written or published anything on dioxin toxicology?

25 MR. STANFIELD: I'm sorry. Jan, could you

1 read that back?

2 (The record was read as requested.)

3 A. She has written on the subject, yes.

4 Q. (BY MR. WOTRING) Do you know what kind of
5 journals that publication is in?

6 A. No, I have not memorized her credentials.

7 Q. Well, aside from knowing that she has published
8 literature about dioxin toxicology, can you tell me
9 anything else about Ms. Ebert's qualifications for being
10 a toxicologist on the San Jacinto River waste pits site?

11 MR. STANFIELD: Objection, form.

12 A. I know that Ellen Ebert is an experienced and
13 respected consultant and that her area of expertise is
14 toxicology, including dioxin toxicology, among other
15 things.

16 Q. (BY MR. WOTRING) And why do you think she's
17 experienced in dioxin toxicology?

18 A. Well, if I want us to look on Integral's
19 website, I could find all of her credentials spelled out
20 there. I don't happen to have them memorized.

21 Q. So if I wanted to find out more about
22 Ms. Ebert's qualifications, I could look on Integral's
23 website, correct?

24 A. You could, yes.

25 Q. Do you know if her name was listed on any of

1 the reports?

2 A. I don't think so, no.

3 Q. Okay. Why was her name not listed on any of
4 the reports if she worked on it?

5 MR. STANFIELD: Objection, form.

6 A. It would be unusual for a project report to
7 list every participant.

8 Q. (BY MR. WOTRING) Did she communicate with
9 anybody outside of Integral or Anchor or counsel for
10 International Paper or MIMC about her work on this site?

11 MR. STANFIELD: Objection, form. You can
12 answer if you know.

13 A. I'm sorry, did you mean to include only counsel
14 for International Paper and MIMC, or others at
15 International Paper and MIMC?

16 Q. (BY MR. WOTRING) Others.

17 MR. STANFIELD: The same objection.

18 A. I'm sorry, and could you please clarify the
19 question?

20 Q. (BY MR. WOTRING) The question is did Ms. Ebert
21 communicate with anybody outside of counsel for
22 International Paper or counsel for MIMC, or MIMC, Waste
23 Management, or International Paper about her work on the
24 site?

25 MR. STANFIELD: Objection, form.

1 A. She communicated with others at Integral.

2 Q. (BY MR. WOTRING) Okay. Did she ever
3 communicate with anybody at EPA about her work on the
4 site?

5 MR. STANFIELD: Objection, form. If you
6 know.

7 A. I don't remember.

8 Q. (BY MR. WOTRING) Further down on your line --
9 wait a minute. You mentioned that Integral had also had
10 ecologists work on the site. What ecologists worked on
11 the site at Integral?

12 A. Dr. Deborah Rudnick worked on it.

13 Q. How do you spell her name?

14 A. R-U-D-N-I-C-K.

15 Q. And what is her qualifications?

16 A. She has a Ph.D. in ecology.

17 Q. Does she have a specialist -- specialization or
18 area of specialization, if you know?

19 A. Not that I can specifically name.

20 Q. Did you select her to work on this site?

21 A. I did.

22 Q. Why?

23 A. She had the appropriate expertise for the work.

24 Q. And why did you think she had the appropriate
25 expertise for the work?

1 A. I've known -- I had known Deborah seven years
2 and worked with her for seven years by that time.

3 Q. Now, had you worked with any of these people on
4 the former wood processing facility in Cass Lake,
5 Minnesota?

6 MR. STANFIELD: Objection, form.

7 A. I can't remember.

8 Q. (BY MR. WOTRING) Okay. And who was the client
9 on the former wood processing facility in Cass Lake,
10 Minnesota?

11 MR. STANFIELD: Objection, form.

12 A. International Paper.

13 Q. (BY MR. WOTRING) When did you start working on
14 that site?

15 MR. STANFIELD: Objection, form. Instruct
16 the witness not to answer any further questions about
17 that site.

18 Q. (BY MR. WOTRING) Okay. So let's just take
19 care of this for the rest of the deposition. If Counsel
20 instructs you not to answer a question, are you going to
21 follow his advice?

22 A. Yes.

23 Q. So every time that happens in this deposition,
24 I don't need to ask you are you going to follow his
25 advice. You're going to follow his advice?

1 A. Yes, sir.

2 Q. So if I ask --

3 MR. WOTRING: And Counsel, if I ask her
4 any further questions about her work on the former wood
5 processing facility in Cass Lake, Minnesota, you're
6 going to instruct her not to answer?

7 MR. STANFIELD: Yes, I'm going to instruct
8 her not to answer any questions about any other
9 International Paper facilities, and she'll have to deal
10 with her other clients and any agreements she may have
11 with them on other sites. But I'm going to instruct her
12 not to talk about other International Paper sites.

13 MR. WOTRING: And you and I will disagree
14 on that and take that up at another time.

15 Q. (BY MR. WOTRING) Did you select any of the
16 people working on the site based upon their work on the
17 Cass Lake, Minnesota site?

18 A. Not specifically, no.

19 Q. Any other ecologists that worked on the site
20 other than Ms. Rudnick?

21 A. We had other staff supporting us. Whether they
22 were ecologists or had a different title, I can't
23 remember.

24 Q. Going back to the first line of your Exhibit
25 No. 1 when you say you're an aquatic ecologist and risk

1 assessor, to be a risk assessor within that definition,
2 do you need to have a toxicology background, in your
3 view?

4 A. Could you clarify what you mean by background?

5 Q. Do you need to have any training in toxicology
6 to be a risk assessor as you've identified in the first
7 line of your professional profile?

8 A. You don't need to have training in toxicology.

9 Q. Okay. Do you need to have training in
10 epidemiology to be a risk assessor within the definition
11 of that term on the first line of your professional
12 profile?

13 A. No.

14 Q. Do you need to have any statistical training to
15 be a risk assessor as identified in the first line of
16 your professional profile?

17 A. No.

18 Q. How many other RI/FS reports have you worked
19 on?

20 A. I don't know the specific number.

21 Q. Can you give me any sort of number at all?
22 Five? Ten? Two?

23 A. Five to ten.

24 Q. Any of them involve work on the Gulf Coast, the
25 Texas Gulf Coast?

1 A. No.

2 Q. Any of them involve work on contaminated
3 sediments from paper mill waste?

4 A. I don't specifically remember any that do.

5 Q. Any of them involve dioxin?

6 A. Yes.

7 Q. Which ones?

8 A. Which ones.

9 MR. STANFIELD: And I'll just remind you
10 not to discuss any other International Paper sites per
11 my instruction to you earlier.

12 MR. WOTRING: Craig, I don't need to keep
13 saying I disagree with that, do I?

14 MR. STANFIELD: No.

15 MR. WOTRING: Okay.

16 A. The Lower Duwamish Waterway and the Upper
17 Columbia River, I believe dioxin was present.

18 Q. (BY MR. WOTRING) And what --

19 MR. STANFIELD: Are you finished?

20 Q. (BY MR. WOTRING) Oh, yeah, is that it?

21 A. Those are the ones I can remember right now in
22 this, sitting here.

23 Q. And what kind of waste was involved in the
24 Lower Duwamish Waterway?

25 A. It's an urban waterway. There are many

1 industries on it.

2 Q. Did that involve, as far as you know, any
3 dioxin that came from a paper mill?

4 A. I don't know.

5 Q. How about the Upper Columbia River project, did
6 that involve any dioxin that came from a paper mill?

7 A. I'm sorry, I don't remember those details.

8 Q. Was that an urban environment as well?

9 A. No.

10 Q. You say later, I'm going back to Page 1 of the
11 first exhibit, that you have project experience in all
12 aspects of remedial investigation. And then later in
13 that sentence, you say ecological and human health risk
14 assessment. Do you see where I'm reading from?

15 A. Sure. Yes.

16 Q. Okay. What is the experience you have in human
17 health risk assessment that you're referencing here on
18 your professional profile?

19 A. I may have conducted some research to identify
20 information on toxicity. I may have performed some
21 calculations. I may have done some writing or assisted
22 in the preparation of tables or figures.

23 Q. So you may have done some research on toxicity.

24 A. Uh-huh (affirmative).

25 Q. Would that have been in connection with your

1 work at Integral or at PTI or Exponent?

2 A. At PTI.

3 Q. At PTI? And if you did writing and assisting
4 in preparing figures and other diagrams, would that also
5 be at PTI?

6 A. That would have been at PTI, yes.

7 Q. Okay. And was it on a particular site at PTI
8 where you obtained that experience?

9 A. It was too long ago for me to remember.

10 Q. So as you sit here today, you can't give me any
11 more specific information about the research you did on
12 toxicity and writing and input onto proposals or figures
13 at PTI?

14 A. I did not say proposals.

15 Q. Ah, forgive me. You can't remember what
16 research you did on toxicity at PTI that was the basis
17 for your statement that you had experience in human
18 health risk assessment; is that correct?

19 A. That is correct.

20 Q. Okay. And can you remember any of the other
21 experience that you had at PTI that supported your
22 statement that you have experience in human health and
23 risk assessment as identified on Sampson Exhibit No. 1?

24 A. I've listed the types of experience I have and
25 had at PTI. As a young consultant, you are asked to

1 support a variety of different things. So that was my
2 role was to help others put those things together.

3 Q. You say that your project experience also
4 includes technical leadership of Natural Resource Damage
5 Assessments, or NRDAs. Have you done any of that work
6 on the San Jacinto River waste pits site?

7 A. No.

8 Q. Have you been asked to do any of that type of
9 work on the site?

10 A. No.

11 Q. Okay. Moving on to Page 2 of Exhibit No. 1,
12 you state that "The site is a closed facility for
13 storage of bleached kraft pulp mill waste deposited in
14 this estuarine marsh environment." Have I said that
15 right? Estuarine? E-S-T-U --

16 MR. BALLARD: Estuary.

17 MR. WOTRING: It's got I-N-E.

18 Q. (BY MR. WOTRING) Anyway, it's spelled
19 E-S-T-U-A-R-I-N-E. What is that?

20 MR. STANFIELD: I think the first question
21 on the table is how do you pronounce the word.

22 A. EST-ur-een.

23 Q. (BY MR. WOTRING) Yeah, I'm not sure I'm going
24 to get that right. What does it mean?

25 A. It's descriptive of an estuary.

1 Q. And what is an estuary?

2 A. An estuary is an environment in which
3 freshwater from a river mixes with marine water from the
4 ocean.

5 Q. And is that where the pits in the northern
6 impoundment are located?

7 A. They are located in an estuary.

8 Q. Actually, you say they are located in an
9 estuarine marsh environment.

10 A. That would be another way of saying it.

11 Q. Okay. And you also state in your Exhibit No. 1
12 that "The wastes are contaminated with dioxins and
13 furans," correct?

14 A. That is correct.

15 Q. And that "The environmental setting," I assume
16 does the environmental setting mean for the waste?

17 MR. STANFIELD: Objection, form.

18 A. I'm sorry, could you please repeat your
19 question?

20 Q. (BY MR. WOTRING) Uh-huh (affirmative). The
21 next line there says, "The environmental setting." Is
22 the environmental setting, is that phrase referring to
23 where the waste is deposited?

24 MR. STANFIELD: Objection, form.

25 A. That terminology is, I think it tended to be

1 more broad than a specific location. It's an
2 environmental setting, or a broad area.

3 Q. (BY MR. WOTRING) Okay. The next sentence says
4 you develop and execute technical strategies in
5 consultation with clients, correct?

6 A. Yes.

7 Q. What was the technical strategy that you were
8 developing and executing in consultation with the
9 clients for the San Jacinto River waste pits?

10 A. Responding to and working with EPA on
11 conducting the RI/FS.

12 Q. And you did that in consultation with the
13 clients.

14 A. Yes.

15 Q. And you're aware that your clients have claimed
16 privilege with your communications about the RI/FS?

17 MR. STANFIELD: Objection, form.

18 Q. (BY MR. WOTRING) Do you know that or not know?

19 A. I honestly don't understand the question.

20 Q. Okay. Tell me your first communication with
21 anybody at International Paper about the San Jacinto
22 River waste pits site.

23 MR. STANFIELD: Objection, form. Jan,
24 would you read the question back?

25 (The record was read as requested.).

1 A. I don't understand the question.

2 Q. (BY MR. WOTRING) I assume at some point you
3 found out there was something called the San Jacinto
4 River waste pits site, correct?

5 A. Yes.

6 Q. Okay. Approximately what time did you, or what
7 year did you find out that there was something called
8 the San Jacinto River waste pits site?

9 A. 2009.

10 Q. And how did you learn about the site?

11 A. I looked on the internet.

12 Q. And what prompted you to look on the internet
13 about the site?

14 A. Conversations with International Paper.

15 Q. Okay. And who did you speak with at
16 International Paper about the site?

17 MR. STANFIELD: Objection, form. You can
18 give the name, but no details about it.

19 A. Phil Slowiak.

20 Q. (BY MR. WOTRING) And tell me what you talked
21 about with Mr. Slowiak about the site.

22 MR. STANFIELD: Objection, form. I'm
23 going to instruct the witness not to answer and assert
24 privilege.

25 Q. (BY MR. WOTRING) Okay. And that's going to be

1 one of those things you're going to follow his advice
2 on?

3 A. Yes, sir.

4 MR. WOTRING: If I ask her any questions
5 about the communications that she had with Mr. Slowiak
6 or anybody else at International Paper about the site,
7 are you going to assert the privilege?

8 MR. STANFIELD: Yes.

9 MR. WOTRING: And we'll note for the
10 record my disagreement and then move on to other issues.

11 Q. (BY MR. WOTRING) Did you ever speak with
12 anybody at Waste Management about the San Jacinto River
13 waste pits?

14 MR. DODSON: Objection, form.

15 A. No.

16 Q. (BY MR. WOTRING) Did you ever speak with
17 anybody that you understood worked for a company called
18 McGinnes Industrial Maintenance Corporation about the
19 pits?

20 A. Yes.

21 Q. And who did you speak with about the pits at,
22 for somebody -- let me start that all over. Who at MIMC
23 did you speak with about the San Jacinto River waste
24 pits site?

25 A. March Smith.

1 Q. And what kind of commun -- What did you talk
2 about with Mr. Smith about the pits?

3 MR. DODSON: Instruct the witness not to
4 answer.

5 Q. (BY MR. WOTRING) And likewise, you're going to
6 follow the instruction from Mr. Dodson not to answer
7 questions about your communications with Mr. Smith about
8 the pits?

9 A. Yes, sir.

10 MR. WOTRING: And if I ask her further
11 communications about that she had with anybody at MIMC
12 about the site, are you going to instruct her not to
13 answer?

14 MR. DODSON: If you ask about the
15 substance of the communications, yes.

16 MR. WOTRING: I will note my disagreement
17 with that as well.

18 Q. (BY MR. WOTRING) When did you first start
19 communications with Anchor about the site?

20 A. November or December of 2009.

21 Q. You state then, I'm going back to Page 2 of
22 Exhibit No. 1 that you develop and execute technical
23 strategies in consultation with clients, and coordinates
24 and directs Integral's multidisciplinary technical team,
25 and then the rest of the sentence is what the rest of

1 the sentence is.

2 What did you mean when you said coordinate
3 and direct Integral's multidisciplinary team in that
4 context?

5 A. Well, as you probably know, Integral and Anchor
6 QEA presented about 50 documents in three years. The
7 manager coordinates the activities within their company.
8 And in my case, I directed and coordinated the
9 activities within Integral that were necessary to
10 produce that information. And I also interacted with
11 Anchor QEA and facilitated communication between
12 Integral and Anchor QEA folks as needed to conduct all
13 that work in such a short time.

14 Q. Okay. And I think that you may have used a
15 term that will be useful. Are things like the Baseline
16 Human Health and Risk Assessment, are those documents
17 that go into the RI/FS or lead up to the RI/FS as
18 opposed to a report?

19 A. The risk assessments are part of the remedial
20 investigation.

21 Q. Okay.

22 A. When you say RI/FS, I think of a process.

23 Q. I see. What do you think of the end result
24 report? A report?

25 A. Excuse me?

1 Q. What do you call the giant document that comes
2 out of the RI/FS process? A report?

3 A. After conducting the risk assessments and other
4 studies and reporting on those --

5 Q. Yes.

6 A. -- efforts, we generate a remedial
7 investigation report.

8 Q. And we'll have to do some remedial Superfund
9 with me because I'm not sure I understand it.

10 Basically what you're doing is going out
11 and conducting investigation into the San Jacinto River
12 waste pits site to come up with alternatives about how
13 in the Superfund process they should be cleaned up and
14 remediated, if at all, correct?

15 MR. STANFIELD: Objection, form.

16 A. That's a broad description of the process.

17 Q. (BY MR. WOTRING) Is it a generally accurate
18 broad description of the process?

19 MR. STANFIELD: Objection, form.

20 A. It sounded generally accurate when you said it.

21 Q. (BY MR. WOTRING) Okay. What you're not
22 supposed to be doing as a coordinator or a project
23 manager in your position, you're not supposed to have an
24 idea about what alternatives that you want to have for
25 cleanup and remediation, and then work towards that

1 through all of your investigation and analysis, are you?

2 MR. STANFIELD: Objection, form.

3 Q. (BY MR. WOTRING) Do you want me to try that
4 again?

5 A. Please repeat the question.

6 Q. Okay. When you're working as a project
7 manager, or an even better question is when Integral and
8 the people at Integral are working on the site in this
9 context, in the context you're describing on Page 2 of
10 Exhibit No. 1, they are supposed to be objective,
11 correct?

12 A. Yes.

13 Q. Do you view yourselves as being advocates for
14 the client's position when you --

15 A. No.

16 Q. All right.

17 MR. STANFIELD: Objection, form. And
18 you're only speaking for Jennifer Sampson, of course.
19 But you can answer his question.

20 Q. (BY MR. WOTRING) Does Jennifer Sampson, as the
21 project manager for Integral, working on the San Jacinto
22 River waste pits site as described on Page 2 of Exhibit
23 No. 1 to your deposition, do you view yourself as an
24 advocate for International Paper or MIMC's positions
25 with regard to the work you're doing?

1 A. I do not.

2 Q. Okay. And do you view that the documents and
3 other reports you're submitting to the EPA should be
4 based upon your objective view of the evidence and data
5 that you're collecting?

6 A. Yes, there is interpretation of the data.

7 Q. Okay. In interpreting the data that you're
8 collecting, do you believe that it is your role to be an
9 objective interpreter of that data?

10 A. Yes.

11 Q. And if you were, as project manager for
12 Integral on the pits, and for the work described on
13 Page 2 of Exhibit No. 1 to your deposition, if you were
14 attempting to skew the science or the data or interpret
15 the data in some form or fashion to advocate your
16 client's position, would that be consistent with your
17 understanding of what you're supposed to doing as a
18 project manager?

19 MR. STANFIELD: Objection, form.
20 Hypothetical.

21 MR. DODSON: An objection for one is good
22 for all, Earnest?

23 MR. WOTRING: It is. It is.

24 A. I'd like to not answer that question.

25 Q. (BY MR. WOTRING) You are declining to answer

1 that question.

2 A. As it was phrased, I didn't understand it.

3 Q. Okay. Is it you don't want to answer it or you
4 don't understand it?

5 A. I don't understand it.

6 Q. All right. Well, we'll try that again. The
7 question is, for your role as a project manager, and I'm
8 going to, as a definition -- let's try this. When I say
9 for your role as a project manager, I am referring to
10 the paragraph that you have in your Exhibit No. 1 on
11 Page 2.

12 In your role as a project manager for the
13 site that we're here about today, do you view it as your
14 role to be an objective interpreter of the data that
15 you're collecting, or do you view that it is your role
16 to be an advocate on behalf of your client, which in
17 this case, I think, is International Paper?

18 MR. STANFIELD: Objection, form.

19 A. Part of my role is to interpret the data, and I
20 do so objectively. I have other roles as project
21 manager.

22 Q. (BY MR. WOTRING) I see. And those other roles
23 that don't involve interpreting the data objectively, do
24 they involve advocating your client's position to the
25 EPA?

1 MR. STANFIELD: Objection, form.

2 A. My other roles include, as we discussed
3 earlier, this coordination and communication roles
4 described here in my resume on Exhibit 1 on Page 2. My
5 other roles also include a process of communication and
6 collaboration with EPA to get the project completed.

7 Q. (BY MR. WOTRING) And when you're communicating
8 and coordinating with the EPA, do you view it as your
9 role as the project manner to advocate your client's
10 position?

11 MR. STANFIELD: Objection, form.

12 A. Could you please define "advocate"?

13 Q. (BY MR. WOTRING) Well, let's try execute.
14 Let's look at Page 2 on Exhibit No. 1. You describe in
15 your professional profile that you develop and execute
16 the technical strategies in consultation with the
17 clients for your work on the San Jacinto River waste
18 pits site. When you communicate with the EPA about your
19 work on this site, are you executing your client's
20 strategies?

21 MR. DODSON: Objection, form.

22 A. Technical strategies are developed to ensure
23 that the maximum information can be developed under the
24 timelines available and in collaboration with the EPA.
25 And in conversations with EPA, it was quite typical in

1 this process for Integral and Anchor QEA to come to the
2 meeting with a specific proposal.

3 To the extent that Integral and Anchor QEA
4 on behalf of MIMC and International Paper initiated a
5 technical discussion with EPA, for example a study
6 design or an analysis plan, by advancing that proposal,
7 that perhaps could be considered advocating a technical
8 strategy.

9 Q. (BY MR. WOTRING) Okay. And those proposals
10 that you created that you were advancing to the EPA,
11 were those technical proposals created in consultation
12 with your clients?

13 MR. STANFIELD: Objection, form. I'm on
14 the verge of instructing you not to answer. If you can
15 understand the question and give a specific answer to
16 it, though, I'll allow you to give a yes or no answer.

17 MR. DODSON: Let's have it read back,
18 please.

19 MR. WOTRING: It's been an hour. Let's
20 take a break. I want to check with Mary, unless anybody
21 is going to object.

22 THE VIDEOGRAPHER: It's now 10:32. We're
23 off the record.

24 (Recess from 10:32 to 10:45)

25 THE VIDEOGRAPHER: It's now 10:45. We're

1 back on the record.

2 (The record was read as requested.)

3 MR. STANFIELD: Objection, form.

4 A. Yes.

5 Q. (BY MR. WOTRING) Okay. And will you tell me
6 what your client's input was into those technical
7 requirements?

8 MR. STANFIELD: Objection, form. I'll
9 instruct you not to answer.

10 Q. (BY MR. WOTRING) The clients in this context
11 on Page 2 of Exhibit No. 1, when you say clients, does
12 that refer to International Paper?

13 A. International Paper and MIMC.

14 Q. You view them both as your clients.

15 A. Yes.

16 Q. Correct me if I'm wrong, but I didn't see in
17 any other site listed in your relevant experience to
18 this document where you discussed doing Human Health
19 Risk Assessments.

20 A. That's right.

21 Q. Okay. And if you'd look on Page 4 of Exhibit
22 No. 1, you describe what the term project management
23 means? Do you see the paragraph I'm looking at?

24 A. Yes.

25 Q. And is that, are those the types of job duties

1 and responsibilities as project manager that you're
2 handling on the San Jacinto River waste pits site?

3 MR. STANFIELD: Objection, form.

4 A. I would like to take a minute to read it.

5 Q. (BY MR. WOTRING) Certainly.

6 A. Could you please repeat the question?

7 Q. Yeah, the question is the description of
8 project management on Page 4 of Exhibit No. 1 to your
9 deposition, does that contain the types of duties and
10 responsibilities you're handling as project manager on
11 the site?

12 MR. STANFIELD: Objection, form.

13 A. As we discussed, there's no NRDA I'm currently
14 working on for this site.

15 Q. (BY MR. WOTRING) Okay. With that exclusion,
16 is there -- do the rest of the duties and
17 responsibilities you're describing on this paragraph
18 following "Project Management" describe the duties and
19 responsibilities you're handling on the site?

20 A. Yes.

21 Q. The publications that you have, you have a --
22 the first one there at the bottom of Page 4, you did
23 a -- is that a paper?

24 A. A presentation.

25 Q. It's a presentation? And what generally was

1 the conclusion of that presentation?

2 MR. STANFIELD: Objection, form.

3 A. I would have to see it to speak specifically
4 about that.

5 Q. (BY MR. WOTRING) The title of that
6 presentation was "Limits to predicting bioaccumulation
7 of polychlorinated dibenzo-p-dioxins and dibenzofurans
8 in fish and crab tissue"?

9 A. Yes.

10 Q. Did I say that correctly?

11 A. You read it correctly.

12 Q. Do you still have a copy of that presentation?

13 A. I may.

14 Q. And Nielsen is the same Nielsen who also worked
15 on the site?

16 A. That's right.

17 Q. Do you remember what limits there were to
18 predicting the bioaccumulation of the polychlorinated
19 dibenzo-p-dioxins and dibenzofurans in fish and crab
20 tissue?

21 MR. STANFIELD: Objection, form.

22 A. I would have to review the presentation to
23 answer that.

24 Q. (BY MR. WOTRING) As you sit here today, you
25 don't have a memory of that?

1 A. That's correct.

2 Q. Do you have -- any of your publications listed
3 on Page 4 or 5 identify any issues involving the human
4 health effects on human health of exposure to dioxin?

5 A. I'll have to take a moment to review them.

6 Q. That's fine.

7 A. None of the publications listed on Page 5
8 address the effects of dioxins on human health.

9 Q. How about the presentations and posters listed
10 on Page 5 and 6? Do they address the effects to human
11 health of exposure by dioxin?

12 A. No.

13 MR. WOTRING: I'm sorry, I'm checking to
14 see what the next exhibit number is. I'm reading the
15 last exhibit was 386. Does anybody object if I
16 substitute at a break Exhibit No. 1 to this deposition
17 and we'll make it Exhibit No. 387 to keep our numbering
18 system?

19 MR. BALLARD: That sounds good to me.

20 MR. STANFIELD: I don't object.

21 MR. WOTRING: That's 387. We'll make this
22 388.

23 (Exhibit No. 388 marked)

24 Q. (BY MR. WOTRING) Let me show you what we've
25 marked as Exhibit No. 388. My first question on

1 Exhibit No. 388, when you are ready, is is this a
2 different presentation than the one identified on your
3 website -- I'm sorry, on Exhibit No. 1 to the deposition
4 on Page 4?

5 A. On Page 4.

6 Q. Yeah.

7 A. Yes, it is a different one.

8 Q. And it was created with Mihai Aldea and Dreas
9 Nielsen; is that correct?

10 A. That's correct.

11 Q. And those are two people we've mentioned
12 previously.

13 A. Yes.

14 Q. And if you look at the second paragraph on
15 Exhibit No. 388, it says, "The paper investigates the
16 relationships between the concentrations of
17 polychlorinated dibenzo-p-dioxins and dibenzofurans in
18 sediment and water with those in fish tissue using a
19 large, publicly available data set from the Houston Ship
20 Channel system in Texas." You see where that is.

21 A. Yes.

22 Q. Okay. Did you do that same type of work in
23 connection with the documents and reports that Integral
24 created for this site?

25 MR. STANFIELD: Objection, form.

1 A. Yes.

2 Q. (BY MR. WOTRING) And what is the publicly
3 available dataset referenced here on Exhibit No. 388?

4 A. Publicly available data in that time would have
5 included results of the State's TMDL program for dioxin.
6 It may also have included data from the Texas Department
7 of State Health Services. If there were other publicly
8 available data included, I don't remember them.

9 Q. Give me a second.

10 (Discussion off the record)

11 Q. Let me ask you to look at Exhibit No. 119.
12 Okay, Exhibit 119 is the Unilateral Administrative
13 Order. It's previously been marked at another
14 deposition as Exhibit No. 119. Ma'am, have you ever
15 seen a copy of this before?

16 A. Yes.

17 Q. Okay. And would you have seen a copy of this
18 at or around the time that you were retained to start
19 working on this case?

20 MR. STANFIELD: Objection, form.

21 A. I believe I first saw a copy of this in late
22 November 2004.

23 MR. STANFIELD: Or 2009?

24 A. I'm sorry, 2009.

25 Q. (BY MR. WOTRING) I take it that you all at

1 Integral are being retained under -- being paid for your
2 services; is that correct?

3 A. That is correct.

4 Q. And how much do you charge hourly for the work
5 you do on this?

6 A. That information is confidential.

7 Q. I see. So if I ask you questions about how
8 much you're being paid to work on this matter, you will
9 refuse to answer those questions?

10 A. Yes.

11 MR. STANFIELD: And objection, form.

12 Q. (BY MR. WOTRING) And likewise, if I ask you
13 questions about how much anybody else is being paid at
14 Integral for work on this, will you refuse to answer
15 those questions?

16 MR. STANFIELD: Objection, form.

17 A. Yes.

18 Q. (BY MR. WOTRING) And if I ask you questions
19 about generally how much Integral is being paid for any
20 period of time or in total, will you also refuse to
21 answer those questions?

22 MR. STANFIELD: Objection, form.

23 A. Yes.

24 Q. (BY MR. WOTRING) Well, I disagree with your
25 refusal, but we'll move on.

1 Okay. So you viewed a copy of this for
2 the first time in late 2009, and let me ask you some
3 questions about it. You can see here on Page 2, which
4 on the bottom right-hand we have those Bates numbers
5 which is IP 214. And can you refer to it that way?
6 There are findings of fact that the EPA made in
7 connection with this site. Do you see where I'm
8 reading?

9 A. I see that, yes.

10 Q. Okay. Let me direct your attention to
11 Paragraph 7. It says, "The Site includes an abandoned
12 20-acre tract of land ('Tract') consisting of three
13 waste ponds containing hazardous substances partially
14 submerged in the San Jacinto River as well as wherever
15 those hazardous substances have been deposited, placed
16 or otherwise come to be located." And then it says,
17 "Aerial photographs as early as the 1970s indicate the
18 Tract inundated by the San Jacinto River." Do you see
19 that?

20 A. I see it, yes.

21 Q. Do you agree or disagree with the statements
22 contained in Paragraph 7?

23 MR. STANFIELD: Objection, form.

24 MR. DODSON: Objection, form. She is not
25 an expert.

1 A. Sitting here today, this is a statement from
2 EPA. I can't attest to whether it's a fact or not.

3 Q. (BY MR. WOTRING) So, you have been working
4 on -- well, will you answer the question on how much
5 time you generally have spent working on the San Jacinto
6 River waste pits site?

7 A. Yes.

8 Q. Okay. Approximately how many hours have you
9 spent working on the San Jacinto River waste pits site?

10 A. Well, I don't know how many hours.

11 Q. Okay. What percentage of your professional
12 activities do you spend on the San Jacinto River waste
13 pits site?

14 MR. STANFIELD: Objection, form.

15 A. In 2014?

16 Q. (BY MR. WOTRING) Let's start in 2010, the
17 first full year that you started -- that you were
18 working on this case.

19 A. A substantial percentage of my time.

20 Q. Can you give me any more information than a
21 substantial percentage?

22 A. I don't know.

23 Q. Would Integral have time records reflecting how
24 much time you spent on this site?

25 A. Integral would have those records.

1 Q. And if I ask you more specifically about what
2 those records show, will you refuse to answer my
3 question?

4 A. Yes, that's confidential.

5 Q. When you say confidential, why is it
6 confidential?

7 A. It's business information.

8 Q. It's business information. So you don't have
9 an opinion one way or another on whether the information
10 contained in Paragraph 7 is true or not.

11 MR. STANFIELD: Objection, form.

12 A. That's correct.

13 Q. (BY MR. WOTRING) Let's look at Paragraph 10.
14 The EPA finding of fact in Paragraph 10 says, "According
15 to Champion's business records, Champion's Pasadena
16 paper mill produced pulp and paper using chlorine as a
17 bleaching agent. These processes used various forms of
18 chlorine, including liquid chloride, aluminum chloride,
19 and sodium chlorate. The pulp bleaching process forms
20 polychlorinated dibenzo-p-dioxins and polychlorinated
21 dibenzofurans as a by-product, and those by-products are
22 found in the paper mill sludge generated from this
23 process."

24 Do you agree or disagree with the
25 statements contained in Paragraph No. 10?

1 MR. STANFIELD: Objection, form.

2 A. Counsel, I'm not an expert on Champion's
3 Pasadena paper mill or the other matters in
4 Paragraph 10.

5 Q. (BY MR. WOTRING) I see.

6 A. So I can't attest to whether it's a fact or not
7 a fact.

8 Q. Okay. So as I understand your answer to my
9 previous question that is number one, you're not an
10 expert in the matters addressed in Paragraph 10, and
11 number two, you can't answer whether you agree or
12 disagree with it. Have I understood your answer
13 correctly?

14 MR. STANFIELD: Objection, form.

15 A. That's correct. And I would add that I have no
16 firsthand knowledge of this.

17 Q. (BY MR. WOTRING) Okay. Let's move to
18 Paragraph 11. The EPA found that "The waste paper
19 sludge was placed in three ponds on the Tract. Waste
20 pond 1 is located on the western portion of the Tract
21 totaling 132,386 square feet. Waste pond 2 and waste
22 pond 3 are on the eastern portions of the Tract totaling
23 46,182 square feet and 188,641 square feet
24 respectively." Do you agree or disagree with those
25 statements?

1 MR. STANFIELD: Objection, form.

2 A. I neither agree nor disagree. I don't have any
3 way to verify these statements either way.

4 Q. (BY MR. WOTRING) Were the statements contained
5 in Paragraph No. 7 that we reviewed, Paragraph 10 that
6 we reviewed, and Paragraph 11 that we reviewed, were
7 those statements important to you in your work as the
8 project manager for Integral on the site?

9 MR. STANFIELD: Objection, form.

10 A. Those particular statements were not important
11 to me.

12 Q. (BY MR. WOTRING) How about moving down -- and
13 if you would look at Paragraphs 12, 13, 14, and 15, and
14 take a minute to review those, I will ask you the same
15 question about whether you agree or disagree.

16 A. Okay, I've reviewed Paragraphs 13 through 16.
17 Could you please repeat your question?

18 Q. Yes. Let me -- I think my question was, but if
19 it wasn't, I want to make it Paragraphs 12 through 15.

20 A. Sorry.

21 Q. That's all right. And on Paragraphs 12 through
22 15, my question is do you have an opinion about whether
23 those are true and accurate statements?

24 MR. STANFIELD: Objection, form.

25 A. I do not have an opinion on these statements.

1 Q. (BY MR. WOTRING) Okay. And then Paragraph 16
2 says, "Currently, the Tract is inactive and
3 approximately half the Tract's surface area, including
4 the abandoned waste pit --" I'm sorry. Let me try that
5 again.

6 Paragraph 16 says, "Currently, the Tract
7 is inactive and approximately half of the Tract's
8 surface area, including the abandoned waste disposal
9 ponds, is now submerged below the adjacent San Jacinto
10 River's water's surface." And the same question, do you
11 agree or disagree with that statement?

12 MR. STANFIELD: Objection, form.

13 A. I neither agree nor disagree with the
14 statement.

15 Q. (BY MR. WOTRING) Do you believe that the
16 statement contained in Paragraph No. 16 was significant
17 for the work that Integral was asked to do on the site?

18 A. The statement was not significant.

19 Q. So whether or not the waste disposal ponds were
20 submerged below the adjacent San Jacinto River's water's
21 surface was not significant to Integral in, let's say,
22 the November/December time period when it first became
23 aware of the site.

24 MR. STANFIELD: Objection, form. You are
25 Jennifer Sampson and you can only answer for yourself.

1 A. The statement was not significant for me at
2 that time.

3 Q. (BY MR. WOTRING) Did it ever become a
4 statement that was significant to you as the project
5 manager for Integral in your work on the site?

6 MR. STANFIELD: Objection, form.

7 A. The statement is not significant to me and was
8 not significant to me at that time.

9 Q. (BY MR. WOTRING) Okay. Did there ever become
10 a time when, as the project manager for Integral, it was
11 significant to you in carrying out those job duties and
12 responsibilities that you learned or formed an opinion
13 on the matters contained in Paragraph 16?

14 MR. STANFIELD: Objection, form.

15 A. No.

16 Q. (BY MR. WOTRING) If you would move over to
17 Paragraph 19 and look at Paragraph 19 and let me know
18 when you're done. I have a question about one of the
19 sentences in that one.

20 A. I've finished reading Paragraph 19.

21 Q. Okay. Let me direct your attention to the
22 sentence that says, "The data collected indicated the
23 continued presence of dioxin contamination in the
24 San Jacinto River surrounding the Tract." Do you see
25 where I'm reading from?

1 A. Uh-huh (affirmative).

2 Q. That would be one where you need to say yes or
3 no.

4 A. Oh, yes, I see it.

5 Q. That's the uh-huh, huh-uh portion of every
6 deposition, I can say.

7 Okay. Do you agree or disagree or have an
8 opinion at all on that sentence contained in
9 Paragraph 19?

10 MR. STANFIELD: Objection, form.

11 A. No, I don't.

12 Q. (BY MR. WOTRING) I asked a very poor question
13 there. Do you have an opinion about whether that
14 sentence is correct?

15 A. I do not have an opinion about it.

16 Q. Okay. And you don't believe that the
17 information in that sentence was significant to your
18 work as the project manager for Integral on the site?

19 A. That's correct.

20 Q. Moving over to Paragraph No. 19 -- well, let me
21 go to Paragraph No. 20, and let me know when you have
22 had a chance to review that one. I'm going to be asking
23 you a question about the sentence that says the TPWD
24 submitted a 1982 topographical map.

25 A. I've finished reading Paragraph 20.

1 Q. My question is about the sentence that states,
2 "The TPWD submitted a 1982 topographic map and aerial
3 photographs of the Tract indicating much of the land
4 area has been submerged due to subsidence." Do you
5 agree with that sentence?

6 MR. DODSON: Objection, form.

7 A. I have no knowledge of TPWD submittals.

8 Q. (BY MR. WOTRING) Okay. Do you have any
9 knowledge of aerial photographs of the tract indicating
10 that much of the land area has been submerged due to
11 subsidence?

12 A. I'm not an expert in analyzing aerial photos,
13 but I have seen aerial photographs for the site. What
14 they indicate, I can't speak to.

15 Q. Does Integral have anybody with the technical
16 experience to be able to interpret aerial photographs?

17 A. Yes, we do.

18 Q. And who is that?

19 A. Gerald Palushock.

20 Q. Could you spell the last name?

21 A. P-A-L-U-S-H-O-C-K.

22 Q. And has Mr. Palushock worked on the San Jacinto
23 River waste pits site?

24 A. Yes.

25 Q. And what has he done specifically on the site?

1 A. He may have prepared maps. He may have
2 collected data. He may have performed data management
3 tasks.

4 Q. Would he and the other people that we've
5 identified at Integral keep time records for their work
6 on the site?

7 A. Yes.

8 Q. Would that, those time records, reflect what
9 activities they performed for Integral on the site?

10 MR. STANFIELD: Objection, form.

11 A. Yes.

12 Q. (BY MR. WOTRING) Okay. And if Mr. Palushock
13 and the other people that we've identified at Integral
14 that have worked on the site, if their names are not in
15 the various reports and other documents that Integral
16 has produced in this case, can you think of any way to
17 identify who did what for Integral?

18 MR. STANFIELD: Objection, form.

19 A. You'd have to present me with a specific
20 example, and I may or may not be able to identify the
21 person who worked on that.

22 Q. (BY MR. WOTRING) So short of asking you who
23 worked on every or the different portions of the
24 different documents and reports created, can you think
25 of any other way of identifying who contributed to the

1 various work that Integral performed on the site?

2 A. No, you'd have to ask me.

3 Q. Or look at their time records. That would also
4 reflect what work they did on the various documents,
5 correct?

6 A. As we've discussed earlier, that information is
7 confidential.

8 Q. Well, without engaging with you on whether that
9 is or it isn't or is protected in this particular
10 context, would their time records of the various people
11 at Integral reflect what work they did on the site?

12 A. They may.

13 Q. Let me ask you this. Do your time records have
14 a description of the activities you performed, or just
15 simply a time entry?

16 A. They have a description sometimes, but it's up
17 to the particular individual in how they document it,
18 and it varies in detail and extent.

19 Q. If you look at Paragraphs 22 and 23 on Exhibit
20 No. 119, I want to ask you a couple of questions about
21 those.

22 A. I've completed reading Paragraphs 22 and 23.

23 Q. Do you have an opinion about whether
24 contaminants could be documented entering the
25 San Jacinto River by direct observation as referenced in

1 Paragraph 22 of the UAO?

2 MR. STANFIELD: Objection, form.

3 A. I do not have an opinion on that.

4 Q. (BY MR. WOTRING) And likewise, do you have an
5 opinion about whether the statements contained in
6 Paragraph 23 of the UAO were accurate?

7 MR. STANFIELD: Objection, form.

8 A. I do not have an opinion on that.

9 Q. (BY MR. WOTRING) If you would look at
10 Paragraphs 25 -- we'll just start with Paragraph 25, and
11 I'm going to ask you the same question about whether you
12 have an opinion about whether that's a true and accurate
13 statement.

14 A. I've completed reading Paragraph 25.

15 Q. Yes, and my question is do you have an opinion
16 about whether that's a true and accurate statement.

17 MR. STANFIELD: Objection, form.

18 A. I do not have an opinion about it.

19 Q. (BY MR. WOTRING) If you would turn over a
20 couple of pages to Paragraph 52, and the bottom
21 right-hand corner has IP 222. And here's my question,
22 which is in various reports and other documents that I
23 have seen Anchor and Integral's name on, it talks about
24 that this is being done pursuant to the UAO, and my
25 question generally is, number one, do you remember those

1 statements in the documents?

2 A. Yes.

3 Q. Okay. And is the work to be performed under
4 the UAO generally described here in this section of the
5 UAO?

6 MR. STANFIELD: Objection, form. I'm
7 going to instruct the witness to read the entire Section
8 XI before you answer that question.

9 A. The entire Section XI?

10 MR. STANFIELD: Yes, before you talk
11 generally about it.

12 MR. WOTRING: Well, I'm going to object to
13 instructing the witness on how to answer questions,
14 but --

15 MR. STANFIELD: I'm not telling her how to
16 answer. I'm telling her to be sure she has reviewed the
17 document.

18 THE VIDEOGRAPHER: Earnest, this might be
19 a good time to swap discs out.

20 MR. STANFIELD: All right. Let's take a
21 break, then.

22 MR. WOTRING: Okay.

23 THE VIDEOGRAPHER: It's now 11:19. This
24 is the end of Disc No. 1. We're off the record.

25 (Recess from 11:19 to 11:28)

1 THE VIDEOGRAPHER: It's now 11:28. The
2 start of Disc No. 2. We're back on the record.

3 Q. (BY MR. WOTRING) Let me ask you a better
4 question about the "Work to be Performed" section of the
5 UAO. Did you understand in performing your work as a
6 project manager for Integral that you were supposed to
7 be performing consistent with the information contained
8 on Section XI, the work to be performed?

9 MR. STANFIELD: Objection, form.

10 A. I would like to take a minute to read this.

11 Q. (BY MR. WOTRING) Yes.

12 A. Counselor, is your question about Paragraph 52?

13 Q. No, Section IX, starting on Paragraph 52. Oh,
14 I'm sorry, Section XI, starting with Paragraph 52. I
15 tell you what, I will just withdraw the question and ask
16 you about Paragraph 83. If you would look at
17 Paragraph 83.

18 A. Okay.

19 Q. Let me know when you have had a chance to
20 review that paragraph.

21 A. I have reviewed Paragraph 83.

22 Q. If the EPA wanted access to Integral's time
23 records and contracts with International Paper about the
24 site, would Paragraph 83 give them access to that
25 information?

1 MR. STANFIELD: Objection, form.

2 A. It sounds like a hypothetical question. I
3 think I would be required to speculate to answer and I'm
4 not comfortable doing that.

5 Q. (BY MR. WOTRING) So as the project manager for
6 Integral, you don't know whether Paragraph 83 would give
7 the EPA access to your time records, your contracts with
8 International Paper about this site.

9 A. That's correct.

10 Q. How about Paragraph 84? The same answer, you
11 don't know one way or another whether it would or would
12 not?

13 A. I will need to take a moment to read it.

14 Q. Okay.

15 A. Could you please repeat the question?

16 Q. Yes. Would Paragraph 84 give the EPA access to
17 Integral's time records for the people's work on the
18 site? That's question number one.

19 MR. STANFIELD: Objection, form.

20 A. I'm not qualified to answer that.

21 Q. (BY MR. WOTRING) Okay. And would it give,
22 would paragraph, the same paragraph, give the EPA access
23 to Integral's contracts with EPA about its work on the
24 site?

25 MR. STANFIELD: Objection, form.

1 A. I'm not a lawyer. I don't understand what that
2 paragraph authorizes.

3 Q. (BY MR. WOTRING) Okay. And as a project
4 manager for Integral, do you have an understanding about
5 what Paragraphs 84 and 85 require Integral to do?

6 A. As an individual, I can read Paragraph 84. I
7 haven't yet read Paragraph 85, and I understand what it
8 says.

9 Q. Okay. Let me go back to the paragraph and ask
10 a better question. What data and other information is
11 Integral required to make available to the EPA, as you
12 understand it, under Paragraph 83?

13 A. As I understand the respondent's general
14 requirements with respect to provision of data, we are
15 required to provide raw data to EPA.

16 Q. Are you required to provide your time records
17 for people who work on the site to the EPA if the EPA
18 asks for it?

19 MR. STANFIELD: Objection, form.

20 A. That's a hypothetical question. I don't
21 understand -- and I don't wish to speculate.

22 Q. (BY MR. WOTRING) Okay. And as the project
23 manager for Integral on the site, you can't answer that
24 question about whether the EPA has a right to look at
25 the time records for the people at Integral who work on

1 the site?

2 MR. STANFIELD: Objection, form.

3 A. I'm not qualified to remark on what EPA's
4 rights are.

5 MR. WOTRING: Objection, nonresponsive.

6 Q. (BY MR. WOTRING) What is Integral's obligation
7 to the EPA to provide it with access to? Do you have an
8 understanding about that?

9 MR. STANFIELD: Objection, form.

10 A. My understanding is that Integral's obligations
11 are to MIMC and International Paper.

12 Q. (BY MR. WOTRING) Let's look at Exhibit
13 No. 118, which is a previous exhibit. Here is a copy of
14 it. It's the request for a Time Critical Removal
15 Action. Have you seen a copy of this document before?

16 A. Yes.

17 Q. This is dated April 2nd of 2010, and if I'm
18 understanding your previous answers about this time in
19 April of 2010, Integral had been working on the site in
20 some form or fashion for approximately four or five
21 months, correct?

22 MR. STANFIELD: Objection, form.

23 A. Yes, correct.

24 Q. (BY MR. WOTRING) Okay. Now, was the
25 information contained in the request for a Time Critical

1 Removal Action significant to your work as the project
2 manager for Integral on the site?

3 A. Could you please clarify was what significant?

4 Q. The information contained in their request for
5 a Time Critical Removal Action.

6 A. The information in this request was not
7 significant to my work at that time.

8 Q. Did it ever become significant to your work on
9 this site as the project manager for Integral?

10 A. The information in this request did not.

11 Q. Okay. And by the way, is there more than one
12 project manager at Integral on the site?

13 A. No, just me.

14 Q. And likewise, if you know for Anchor QEA, is
15 there only one project manager there?

16 A. I can't speak to that.

17 Q. Well, let me direct your attention to the first
18 paragraph of Exhibit No. 118, the "Purpose," and the
19 second sentence, or the third sentence in that paragraph
20 says, "The removal action is to stabilize the site,
21 temporarily abating the release of polychlorinated
22 dibenzo-p-dioxins and polychlorinated dibenzofurans (and
23 possibly PCBs) into the waterway, until the site is
24 fully characterized and a remedy is selected." Do you
25 see where I'm reading from?

1 A. I see that, yes.

2 Q. Do you agree that that was a necessary purpose
3 of the Time Critical Removal Action?

4 MR. STANFIELD: Objection, form.

5 A. I don't agree or disagree with your statement.

6 Q. (BY MR. WOTRING) And if you would look at
7 Page 2, which is the "A. Site Description." And here,
8 let me see if I can put that up on the screen.

9 MR. STANFIELD: So, Jennifer, you're
10 welcome to use the copy in front of you. He's putting
11 on the screen to show over there, but you're welcome to
12 review whatever is easiest for you to read.

13 A. All right.

14 Q. (BY MR. WOTRING) Yes. And I'm going to ask
15 you about a sentence that I'm going to highlight with a
16 highlighter.

17 MR. STANFIELD: So look at that, and
18 you'll want to keep an eye on where he's highlighting
19 just so you can follow him --

20 A. Yes.

21 MR. STANFIELD: -- but you can read
22 whatever is easiest for you.

23 Q. (BY MR. WOTRING) And by further explanation,
24 if I want to show this deposition to the jury, I may
25 want to show them the document we're talking about as

1 well, which is another reason why we're doing this, if
2 that answers any questions you might have had.

3 Okay. I want to direct your attention
4 here to this paragraph underneath the chart, which says,
5 "A recent site visit by EPA Remedial Project Managers
6 Leos and Tzhone on Monday March 1st, 2010, documented
7 grayish waste entering the San Jacinto River along the
8 Northwest corner of the site from waste pond number 1."
9 Okay, do you see that sentence?

10 A. Yes, I see it.

11 Q. All right. And did you or anybody from
12 Integral accompany them to the site on March 1st, 2010?

13 A. No.

14 Q. Do you have any reason to disagree with the
15 statements that I have just highlighted?

16 MR. STANFIELD: Objection, form.

17 A. I don't know what they observed.

18 Q. (BY MR. WOTRING) And my question, ma'am, is
19 more specifically do you have any reason to disagree
20 with them?

21 A. I don't know what they observed.

22 Q. And they're talking about waste pond #1, and
23 then they say, "In addition," in the next sentence, "95%
24 of Waste pond #2 was observed to be under four feet of
25 water." And my question is do you have any reason to

1 disagree with that statement?

2 MR. STANFIELD: Objection, form.

3 A. I don't know what was observed by EPA.

4 Q. (BY MR. WOTRING) Okay. How many times --
5 well, let me ask you, in March or April of 2010, did you
6 go out to the site?

7 A. During those months?

8 Q. Yes, ma'am.

9 A. Never.

10 Q. Have you been to the site?

11 A. I was at the site once.

12 Q. So you have been to the site one time?

13 A. Yes.

14 Q. And approximately when was that?

15 A. That would have been in December of 2009.

16 Q. And what did you see when you went out to the
17 site in 2009?

18 MR. STANFIELD: Objection, form.

19 A. Can you be more specific?

20 Q. (BY MR. WOTRING) Yes. Did you see a portion
21 of the site underwater?

22 A. I saw water when I went to the site.

23 Q. Okay. Did you see grayish waste entering the
24 San Jacinto River along the northwest corner of the
25 site?

1 A. No.

2 Q. Did you see any people fishing at the site?

3 A. No.

4 Q. How long were you at the site?

5 A. Approximately one hour.

6 Q. What time of day was it, if you remember?

7 A. It may have been early afternoon.

8 Q. If we can go back to Exhibit No. 118, the EPA's
9 document says, "Waste pond 2 consisting of two surface
10 impoundments is continually inundated by the San Jacinto
11 River and contaminated sediment within the source area
12 and is in direct contact with the river water as
13 documented in the December 1987, December 1989, February
14 1992, April 1998, June 1999, May 2002, February 2003,
15 and April 2005 aerial photographs of the Tract." Do you
16 agree or disagree with that portion of Exhibit No. 118
17 that I just read?

18 MR. DODSON: Objection, form.

19 A. I have no way to agree or disagree with this
20 statement.

21 Q. (BY MR. WOTRING) When you went to the site in
22 December of 2009, did you see more than one waste pond?

23 MR. STANFIELD: Objection, form.

24 Q. (BY MR. WOTRING) Or do you remember?

25 A. I don't remember counting.

1 Q. Okay. If you look at the next sentence on
2 Exhibit No. 118, it says, "There is no containment to
3 prevent the migration of hazardous substances from the
4 waste ponds into the San Jacinto River." Do you see
5 where I'm reading from?

6 A. I see the sentence.

7 Q. Were you aware, or when you went out there in
8 December of 2009, did you see any containment that would
9 prevent the migration of hazardous substances from the
10 waste ponds into the San Jacinto River?

11 MR. DODSON: Objection, form.

12 A. When I was there, I was approaching it from the
13 perspective of a person who needs to do an investigation
14 and was not particularly looking for structures or
15 technologies related to containment, so I don't have an
16 opinion on that statement. It doesn't relate to my
17 personal experience.

18 Q. (BY MR. WOTRING) If we could go to the
19 "Physical Location" portion of Exhibit No. 118, it says,
20 "The Site is comprised of an area of land with a set of
21 two waste ponds with three surface impoundments built in
22 the 1960s for disposal of pulp and paper mill wastes."
23 Do you see where I'm reading from?

24 A. I see the sentence.

25 Q. Do you have any reason to -- or do you have an

1 opinion one way or another on whether that is a true
2 statement?

3 A. I do not have an opinion one way or another as
4 to whether that's a true statement.

5 Q. If we can move down to "The primary hazardous
6 substances documented at the Site are polychlorinated
7 dibenzo-p-dioxins and polychlorinated dibenzofurans," my
8 question is --

9 MR. STANFIELD: Where are you reading?

10 MR. WOTRING: I'm sorry, down here. Two
11 paragraphs down.

12 Q. (BY MR. WOTRING) The third paragraph on "Site
13 Characteristics." And the sentence again for the record
14 is, "The primary hazardous substances documented at the
15 Site are polychlorinated dibenzo-p-dioxins and
16 polychlorinated dibenzofurans." Do you see where I am
17 reading from, ma'am?

18 A. Yes.

19 Q. Would you agree with me that polychlorinated
20 dibenzo-p-dioxins and polychlorinated dibenzofurans in
21 this context are hazardous substances?

22 MR. STANFIELD: Objection, form.

23 A. I agree they are.

24 Q. (BY MR. WOTRING) And I apologize for skipping
25 around, but I want to move to the paragraph above that.

1 Do you have an opinion about whether the statements
2 contained in this paragraph starting with "The waste
3 paper sludge was placed in the two ponds" in the
4 paragraph I'm indicating on the screen, do you have an
5 opinion about whether those are true and accurate
6 statements?

7 A. I'll need to take a moment to read the
8 paragraph.

9 Q. Yes, ma'am.

10 A. I don't have an opinion as to whether these are
11 true or not true statements.

12 Q. If I can ask you, and I don't need to have this
13 on the screen for the moment, about some other questions
14 to get some idea about your knowledge of this document,
15 turning over to the next page which starts with, I think
16 it's Page 4 down at the bottom, it says "Other Actions
17 to Date," that Section B.

18 A. I don't see it. Oh, there. Okay.

19 Q. Do you see it about midway through the page?

20 A. Uh-huh (affirmative).

21 Q. It talks about previous actions. For your work
22 on the site, did you become knowledgeable about the
23 history of the previous actions at the site as described
24 on B-1?

25 MR. STANFIELD: Objection, form.

1 A. Could you please repeat the question, and then
2 I'd like to review the text.

3 Q. (BY MR. WOTRING) Yes. The question is did you
4 become familiar with the events described in B-1 in
5 connection with carrying out your duties and
6 responsibilities as a project manager for Integral on
7 the site?

8 MR. STANFIELD: Objection to form.

9 A. I did not become familiar with this
10 information. I have seen the TDH.

11 Q. (BY MR. WOTRING) The document referenced on --

12 A. The 1966 TDH.

13 MR. STANFIELD: And Jennifer, B-1 goes to
14 Page 5, so --

15 A. Oh.

16 Q. (BY MR. WOTRING) Yeah, did you see the next
17 page?

18 A. No, I need to read Page 5.

19 Q. Yeah, it did. It did.

20 A. I've finished reading Section B-1. Did you
21 want me to read B-2 as well?

22 Q. No, just B-1.

23 A. And could you please repeat your question?

24 Q. Yes, I can. The question is did you become
25 familiar with the events reflected on B-1 in connection

1 with your activities as the project manager for Integral
2 on the site?

3 MR. STANFIELD: Objection, form.

4 A. I'm familiar with the information sources
5 cited, not with these interpretations.

6 Q. (BY MR. WOTRING) If we could turn over to
7 Page 6, and that's got a section entitled A-1, "Exposure
8 to Human Populations, Animals or the Food Chain," and I
9 want to ask you about a particular sentence which starts
10 with "A release of these contaminants." I will put that
11 up on the screen.

12 It says, "A release of these contaminants
13 from both waste ponds has been identified through site
14 assessment activities conducted by EPA and TCEQ in 2006,
15 and there is a threat of further release." Okay. Do
16 you have an opinion about whether that is a true
17 statement or not?

18 MR. STANFIELD: Objection, form.

19 A. I do not have an opinion on whether that's true
20 or not.

21 Q. (BY MR. WOTRING) Was the statement by the EPA
22 that there is, quote, "A release of these contaminants
23 from both waste ponds," was that sentence significant to
24 you in carrying out your duties and responsibilities as
25 a project manager for Integral on the site?

1 MR. STANFIELD: Objection, form.

2 A. EPA's statement that there had been a release
3 was significant.

4 Q. (BY MR. WOTRING) And why was that significant
5 to you as the project manager for Integral?

6 A. Because my responsibility was to conduct the
7 investigation related to that alleged release.

8 Q. Okay. And from the point in time that this
9 document was created by EPA, we're looking at a
10 memorandum that was created by the EPA, correct?

11 A. Yes.

12 Q. And how do we say this gentleman's name? Leos?
13 I'm sorry, it's the "From" section.

14 A. I would pronounce that Valmichael LAY-ose.

15 Q. LAY-ose. And from the date this document is
16 created on April 2nd of 2010 until the completion of the
17 Time Critical Removal Remedy, how long did that take?

18 A. Integral was not directly involved with
19 execution of the descriptions in this memo. Integral's
20 role was to provide technical support to Anchor on
21 request. So I don't have the answer to that question.

22 Q. Do you know how long it took to complete the
23 temporary remedy at the site after April 2nd of 2010?

24 A. I can't specify that amount of time for you.

25 Q. Moving back to Page 6, it says, "Site

1 assessment activities included surface water and
2 sediment sampling for the presence of dioxins and
3 furans."

4 A. Could you please show me the specific area?

5 Q. Yes.

6 A. Okay.

7 Q. We're looking at Page 6, Roman Numeral III, and
8 then "Threats to the Public Health or Welfare."

9 A. Uh-huh (affirmative).

10 Q. And then that paragraph there.

11 A. All right.

12 Q. And so I'm indicating here it says "Site
13 assessment activities."

14 A. I see it.

15 Q. Okay. Do you have an opinion about whether
16 that sentence that "Site assessment activities included
17 surface water and sediment sampling for the presence of
18 dioxins and furans," whether that is a true statement?

19 MR. STANFIELD: Objection, form.

20 A. I would like to take a moment to read the
21 statement. Yes, EPA's site assessment activities
22 included these things.

23 Q. (BY MR. WOTRING) All right. The next sentence
24 in that same paragraph says that "People and animals
25 coming on to the site could be exposed to these

1 contaminants through ingestion, skin contact and
2 inhalation pathways." Do you agree with that statement?

3 MR. STANFIELD: Objection, form.

4 A. No.

5 Q. (BY MR. WOTRING) Okay. The next sentence says
6 that "In addition, during a recent site visit conducted
7 on March 1st, 2010, by RPMs Leos and Tzhone, releases of
8 hazardous substances were observed entering the San
9 Jacinto River from both Waste ponds #1 and #2." Do you
10 agree with that sentence?

11 MR. DODSON: Objection, form, asked and
12 answered. You can answer.

13 A. I don't know what EPA observed on March 10th,
14 2010.

15 Q. (BY MR. WOTRING) Looking, skipping one
16 paragraph down, it says, "Both human and ecological
17 health is threatened by releases of hazardous substances
18 from the Tract." Do you agree with that statement?

19 MR. STANFIELD: Objection, form.

20 A. No.

21 Q. (BY MR. WOTRING) Okay. Do you agree that
22 "Humans trespass on and around the site to capture
23 ecological receptors for sport and subsistence"?

24 A. I don't have the information to agree or
25 disagree with that statement.

1 Q. Okay. If we can skip a page and go over to
2 Page 7, I'm now looking at the numbered paragraph after
3 the section titled No. 2, and if you would look at that
4 paragraph and tell me when you've had a chance to review
5 it.

6 A. Could you please point to it? That one --

7 Q. Yes, No. 2.

8 A. -- with the 2 next to it? Okay.

9 Q. That's the one right here.

10 A. I will take a moment to read that. Okay, I
11 have reviewed the paragraph under Section 2.

12 Q. Do you disagree with any of the statements
13 contained in that paragraph?

14 MR. STANFIELD: Objection, form.

15 A. I don't have the information available to
16 disagree or agree with this statement.

17 Q. (BY MR. WOTRING) And if we could move over to
18 paragraph on Page 10, and what -- go ahead and look at
19 that paragraph. I'm going to ask you about the first
20 sentence.

21 MR. STANFIELD: Which paragraph?

22 Q. (BY MR. WOTRING) On Page 10, Paragraph VI,
23 which is entitled "Expected Change in the Situation
24 Should Action be Delayed or Not Taken."

25 A. I've read the paragraph.

1 Q. Okay. The EPA says, "The proposed actions for
2 the San Jacinto River Waste Pits site should be taken
3 immediately," correct?

4 A. It does say that.

5 Q. Were those actions taken immediately?

6 MR. STANFIELD: Objection, form.

7 A. Again, I don't have knowledge of actions
8 firsthand. Integral's role was not to perform the
9 actions required by this memo.

10 Q. (BY MR. WOTRING) And Integral's role was, I
11 think, as you've said before, to provide technical
12 support when requested by Anchor QEA.

13 A. That's right.

14 Q. The EPA then says, "Should these actions be
15 delayed, the potential threats to human health and the
16 environment will increase," correct?

17 A. This memo does say that.

18 Q. The memo also says, "A substantial amount of
19 the dibenzo-p-dioxins and polychlorinated dibenzofurans
20 waste will continue to release and spread into the
21 San Jacinto River and unrestricted access to the area
22 will continue to threaten nearby human populations,"
23 correct?

24 A. The memo says that, yes.

25 MR. DODSON: Earnest, is this now a good

1 stopping point for lunch?

2 MR. WOTRING: Yeah. Yes, it is.

3 THE VIDEOGRAPHER: It's now 12:05. We're
4 off the record.

5 (Lunch recess taken from 12:05 to 1:11)

6 THE VIDEOGRAPHER: It's now 1:11 and we're
7 back on the record.

8 (Exhibit No. 389 marked)

9 Q. (BY MR. WOTRING) Ma'am, if you would look at
10 what I've marked as Exhibit No. 389, which is the
11 "Sampling and Analysis Plan: Sediment Study, San Jacinto
12 River Waste Pits Superfund Site," and my first question
13 is does this document look familiar?

14 A. Yes.

15 Q. And it's dated April of 2010, and it says it's
16 prepared by Integral Consulting and Anchor QEA. Do you
17 have any memory of what role each company took generally
18 in preparing Exhibit No. 389?

19 A. Yes, I do.

20 Q. Okay. What was Integral's role and what was
21 Anchor's role in preparing this?

22 A. Integral prepared the bulk of this document. I
23 would add that this is incomplete.

24 Q. Yes.

25 A. It has many appendices and so on that are not

1 included in this exhibit. So Integral prepared much of
2 it. Anchor QEA's responsibility related to Study
3 Element 3 and 4.

4 Q. Yes, and it's not complete, because the
5 complete document is fairly substantial. And if I'm
6 asking you questions that you need the rest of the
7 document to and you don't have, let me know.

8 A. Okay.

9 Q. And I think you will understand when I direct
10 you, hopefully, to Paragraph 1.

11 A. Paragraph 1?

12 Q. 1.1, the distribution list on Page 1.

13 A. Uh-huh (affirmative).

14 Q. That's the project management, and I'm going to
15 ask you about that table there.

16 A. I see the table.

17 Q. Okay. And this reflects that you are the
18 Integral project manager, correct?

19 A. Yes.

20 Q. And then it identifies Jane Sexton, John
21 Laplante, Joss Moore, and Jason Kase, correct?

22 A. Well, it identifies Jane Sexton and John
23 Laplante as task managers, Joss Moore and Jason Kase as
24 field leads.

25 Q. And is that consistent with your recollection

1 of their roles on the site?

2 A. On this particular investigation and sediment
3 study, yes.

4 Q. I see. And so for different tasks or elements,
5 were there different people at Integral involved in?

6 MR. STANFIELD: Objection, form.

7 A. Yes.

8 Q. (BY MR. WOTRING) And John Laplante, what is
9 John Laplante's background?

10 A. John Laplante is an employee of Anchor QEA.

11 Q. And do you know, is he a technical analyst? Is
12 he --

13 A. I don't have detailed knowledge of his title or
14 activities.

15 Q. Okay. And then if you turn a few pages over,
16 it talks about on Page 3, it then identifies "Project
17 Personnel Quality Assurance Responsibilities."

18 A. Yes.

19 Q. And it identifies David Keith as the project
20 coordinator. And was this information that we're
21 talking about here, was this specific to the sampling
22 and analysis plan, or did it apply generally to the work
23 that Anchor and Integral did with regard to the site?

24 A. This table describes the roles of individuals
25 for this study. Some of them may be the same as for the

1 overall investigation.

2 Q. Okay. And if we look at the next page, Page 4,
3 it identifies you as being responsible for the
4 successful completion of tasks associated with Study
5 Elements 1 and 2 in coordination with the Anchor QEA
6 project manager, and it's got some other descriptions,
7 correct?

8 A. Yes.

9 Q. And what were Study Elements 1 and 2?

10 A. Study Elements 1 and 2 are described elsewhere
11 in the text, and I'll look for those definitions for
12 you. Study Element 1 is described on Page 33.

13 Q. Okay. And Paragraph 1.9.1?

14 A. Yes, that's Study Element 1, and Study Element
15 2 is in the next section on that same page and the
16 following page.

17 Q. And that's Paragraph 1.9.2.

18 A. That's correct.

19 Q. And so for the different reports -- well, let
20 me try it this way. Would you call Exhibit No. 389 a
21 report, or would you call it a study, or how do you
22 refer to it internally at Integral?

23 A. Exhibit 389 is a portion of the sampling and
24 analysis plan for the sediment study.

25 Q. Okay. So for Study Element No. 1, you were in

1 charge of obtaining "Additional data on the horizontal
2 and vertical distributions of the COPCs needs to be
3 collected to supplement existing Site data and to
4 address the data gaps associated with evaluation of the
5 nature and extent of the contamination."

6 A. Yes.

7 Q. Okay. And that generally fell within your area
8 of being the project coordinator for it.

9 A. I was the project manager for Integral. David
10 Keith was the project coordinator. But the answer to
11 your question is yes.

12 Q. So if we go back to Page 3, and you have David
13 Keith listed as the project coordinator, he's also
14 identified as the Anchor QEA project manager. And you
15 were Integral's project manager, but you were not -- do
16 not have the title of project coordinator, correct?

17 A. There is only one project coordinator as
18 described in the UAO. It was David Keith.

19 Q. And then Study Element No. 2 that fell within
20 the description of your project management is the
21 "Additional information is needed to characterize
22 sediment chemistry in areas where human and ecological
23 receptors may be exposed to sediment-associated
24 contaminants."

25 A. Yes.

1 Q. And then "Surface sediment samples collected
2 for the exposure evaluation will be analyzed for primary
3 COPCs, TOC, and grain size," correct?

4 A. That's what the document says, yes.

5 Q. And COPCs in this context means Chemicals of
6 Primary Concern?

7 A. Chemicals of Potential Concern.

8 Q. Chemicals of Potential Concern. And what does
9 TOC mean in this context?

10 A. Total Organic Carbon.

11 Q. And then Study Element No. 2 also included
12 1.9.2.1, the "Human Exposure," and 1.9.2.2, "Exposure of
13 Ecological Receptors"; correct?

14 A. The text is broken out that way, yes.

15 Q. And those both fell within Study Element No. 2?

16 A. Yes.

17 Q. Did that carry -- did your being the project
18 manager for Elements No. 1 and 2 carry forward with
19 regard to the future work that Integral -- well, that
20 Anchor and Integral did with respect to the site?

21 MR. STANFIELD: Objection, form.

22 A. Sorry, I don't understand your question.

23 Q. (BY MR. WOTRING) Well, let me put it this way.
24 Is the fact that you were handling Study Elements No. 1
25 and No. 2, does that mean you were primarily responsible

1 for the creation and finalization of the Baseline Human
2 Health and Risk Assessment?

3 MR. STANFIELD: Objection, form.

4 A. I was primarily responsible for implementing
5 Study Element 2 as described here.

6 Q. (BY MR. WOTRING) And did the implementation of
7 Study Element No. 2 include the completion of the
8 Baseline Human Health and Risk Assessment?

9 A. I'd prefer to read this text before I answer
10 that question.

11 Q. Okay.

12 A. Study Element 2 is concerned with the exposure
13 evaluation, which is not the same thing as a risk
14 evaluation.

15 Q. I see. Were you in fact the person, or did you
16 as the project manager for Integral have the primary
17 responsibility for overseeing the completion of the
18 Baseline Human Health Risk Assessment?

19 A. I did.

20 Q. We should have started with that question. Let
21 me turn your attention to Page 7, the "Site History,"
22 1.4.1. And was Integral the entity that drafted the
23 information contained in Section 1.4.1?

24 MR. STANFIELD: Objection, form.

25 A. This and other documents prepared for the RI/FS

1 were a collaborative effort involving Anchor QEA and
2 Integral, as well as EPA and others that they were
3 working with. Any of the text, including the one you
4 referenced, represents the work of a number of people.

5 Q. (BY MR. WOTRING) Okay. Well, who did the
6 first draft on 1.4.1?

7 MR. STANFIELD: Objection, form.

8 A. I don't remember.

9 Q. (BY MR. WOTRING) Okay. Were drafts of Exhibit
10 No. 389 sent to counsel for your clients, International
11 Paper and MIMC, for review and comment?

12 MR. STANFIELD: Objection, form. Instruct
13 the witness not to answer.

14 MR. WOTRING: And if I ask her any further
15 questions about the input that counsel for International
16 Paper, MIMC, or Waste Management have regarding the
17 drafts of these and other documents, will you give her
18 the same instruction?

19 MR. STANFIELD: I will, at least for
20 International Paper, and I assume I speak for all other
21 defense counsel at the table.

22 MR. DODSON: You do.

23 Q. (BY MR. WOTRING) Well, do you agree with the
24 information contained in Section 1.4.1?

25 MR. STANFIELD: Objection, form.

1 A. I'd have to read it --

2 Q. Yes.

3 A. -- to answer that question.

4 Q. Please do.

5 A. Okay, I have read this section.

6 Q. And the question is do you disagree with
7 anything contained in that section?

8 MR. STANFIELD: Objection, form.

9 A. There's a lot of information contained in that
10 section. Could I ask you to be more specific?

11 Q. (BY MR. WOTRING) No.

12 MR. STANFIELD: Objection, form. If you
13 cannot respond to the question, you can respond as such.

14 A. The information is so various that I can't
15 respond in a general way.

16 Q. (BY MR. WOTRING) Okay. The first page of
17 Exhibit No. 389 says that this report was prepared for
18 McGinnes Industrial Maintenance Corporation,
19 International Paper Company, and the U.S. Environmental
20 Protection Agency, Region 6. Do you see where I'm
21 reading from?

22 A. I do see that.

23 Q. Did you view -- did you view, as the project
24 manager for Integral Consulting, Inc., the USEPA as one
25 of your clients?

1 A. No.

2 Q. Did you understand that the drafts you
3 submitted to counsel for McGinnes Industrial Maintenance
4 Corporation and International Paper were being submitted
5 for the purposes of assisting them in providing legal
6 representation?

7 MR. STANFIELD: Objection, form.

8 A. I'm sorry, could you please repeat the
9 question?

10 MR. WOTRING: Would you read the question
11 back?

12 (The record was read as requested.)

13 MR. STANFIELD: Objection, form.

14 A. I did not understand that.

15 Q. (BY MR. WOTRING) If I could draw your
16 attention to Page 8, and it's the first full paragraph
17 there starting with "Physical changes at the Site"?

18 A. Yes.

19 Q. Are you aware of Integral ever providing any
20 further quantification regarding the subsidence of the
21 land in the area during the '70s and '80s?

22 A. Did Integral provide quantification regarding
23 subsidence?

24 Q. Yes, ma'am.

25 A. No.

1 Q. Do you know if any other consultant provided
2 quantification of the regional subsidence of land in the
3 area due to large-scale groundwater extraction?

4 MR. STANFIELD: Objection, form.

5 A. I do not know.

6 Q. (BY MR. WOTRING) The next sentence says,
7 "Based upon review of U.S. Army Corps of
8 Engineers-approved dredging permits, dredging by third
9 parties has occurred in the vicinity of the perimeter
10 berm at the northwest corner of the impoundments."
11 Okay, do you see that sentence?

12 A. I do.

13 Q. Did Integral ever do any sort of quantification
14 about how much dredging was done as referenced in this
15 sentence?

16 MR. STANFIELD: Objection, form.

17 A. Integral did not.

18 Q. (BY MR. WOTRING) Are you aware of any other
19 consulting firm quantifying the amount of dredging done
20 as referenced in this sentence?

21 A. I am not aware of any such work.

22 Q. The next sentence says, "Recent samples of
23 sediments in nearby wastewaters north and west of the
24 impoundments," and then it references the University of
25 Houston and Parsons data of 2006? Do you see that

1 reference?

2 A. I see the reference. Your reading inserted the
3 word "wastewaters" when it actually says "waters."

4 Q. Ah. Well, let me -- with that correction, let
5 me just ask you about the University of Houston and
6 Parsons data in 2006.

7 Was that data used consistently in
8 Integral's work on the site, or --

9 MR. STANFIELD: Objection, form.

10 Q. (BY MR. WOTRING) -- was there ever a time when
11 Integral made the decision to take that data out of its
12 analysis?

13 MR. STANFIELD: Objection, form.

14 A. The Remedial Investigation/Feasibility Study
15 Work Plan describes certain data quality standards and
16 how data will be used according to those standards.

17 To my knowledge, Integral did not remove
18 data related to University of Houston and Parsons, but
19 we may have used it in different ways, depending on
20 those criteria.

21 Q. (BY MR. WOTRING) Was it used in the Baseline
22 Human Health and Risk Assessment?

23 MR. STANFIELD: Objection, form.

24 A. I don't remember.

25 Q. (BY MR. WOTRING) If I could turn your

1 attention to Page 9, and if you see the data included on
2 the top of Page 9, and my question was which of that
3 information or those datasets were used for the Baseline
4 Human Health Risk Assessment?

5 MR. STANFIELD: Objection, form.

6 A. It appears that you're referencing the studies
7 or programs that are listed here. These are not data,
8 these are studies.

9 Q. (BY MR. WOTRING) Okay. The studies or
10 programs identified there on Page 9, which of those were
11 used for the Baseline Human Health and Risk Assessment?

12 A. As I said a moment ago, some of the data from
13 University of Houston and Parsons may have been used.
14 Other data on this list were not used in the risk
15 assessments.

16 Q. Who at Integral was primarily responsible for
17 the decision about which data to include in the Baseline
18 Human Health and Risk Assessment?

19 A. It was a collaborative decision based on the
20 rules established in the RI/FS Work Plan.

21 Q. Okay. Well, who at Integral was primarily
22 responsible for applying those rules?

23 MR. STANFIELD: Objection, form.

24 A. Various people were.

25 Q. (BY MR. WOTRING) And can you tell me their

1 names?

2 A. Myself and Ann Bradley and people working for
3 them. For us.

4 Q. And who would those people be?

5 A. They would be various technicians or
6 researchers, statisticians, people doing calculations.

7 Q. Can you give me their names, or is it just not
8 possible?

9 A. I could give you names of people who may have
10 worked on risk assessments, but it might help me if I
11 knew more specifically what you were looking for.

12 Q. What I'm specifically looking for is who at
13 Integral made the decision on what data to use in the
14 Baseline Human Health Risk Assessment.

15 A. Well, the --

16 MR. STANFIELD: Objection, form. Don't
17 speculate.

18 A. The data -- the decision about what data to use
19 is articulated in the RI/FS Work Plan. Like our other
20 documents, it was a collaborative effort reflecting the
21 input of numerous people. So the decision follows from
22 those rules, so it doesn't necessarily go to a specific
23 individual.

24 MR. WOTRING: Objection, nonresponsive.

25 Q. (BY MR. WOTRING) My question is very specific

1 to who at Integral made the decision of what data to be
2 used.

3 MR. STANFIELD: Objection, form. You're
4 not required to change your answer because Counsel
5 doesn't like it. You can answer his question if you
6 can.

7 A. The people responsible for preparing the risk
8 assessments made those decisions according to the rules
9 established in our RI/FS Work Plan.

10 Q. (BY MR. WOTRING) Who at Integral worked on the
11 Baseline Human Health and Risk Assessment?

12 MR. STANFIELD: Objection, form.

13 A. Ann Bradley, Ellen Ebert, and their support
14 staff.

15 Q. (BY MR. WOTRING) And who would those people
16 be?

17 A. I don't remember all of the individuals.

18 Q. Can you tell me the names of any of the
19 individuals?

20 A. Joanna Shoenfelt.

21 Q. Could you spell that for us?

22 A. S-H-O-E-N-F-E-L-T. She's the only individual I
23 remember right now.

24 Q. If you'd look down on the next paragraph that
25 says "Within the preliminary Site perimeter," there's a

1 sentence that says, "The highest spatial density of
2 samples within the preliminary Site perimeter is in and
3 adjacent to the impoundments and adjacent to the I-10
4 Bridge." Do you see that?

5 A. I do.

6 Q. Does that sentence mean that the Chemicals of
7 Concern were located outside the impoundments?

8 MR. STANFIELD: Objection, form.

9 A. At the time this was written, we didn't know
10 the distribution of the Chemicals of Potential Concern.

11 Q. (BY MR. WOTRING) Did you ever understand or
12 come to understand that Chemicals of Concern were
13 located outside the impoundments?

14 A. I'm sorry, could you say that again?

15 Q. Yes. Did you ever come to learn that Chemicals
16 of Concern for the site were located outside the
17 impoundments?

18 MR. STANFIELD: Objection, form.

19 A. This text addresses Chemicals of Potential
20 Concern. Chemicals of Concern, that word has special
21 meaning to me, a certain meaning which is out of context
22 here, so should I use that context?

23 Q. (BY MR. WOTRING) Okay.

24 MR. STANFIELD: No, you should answer the
25 question he's asking if you can according to his line of

1 questioning.

2 Q. (BY MR. WOTRING) I'll try it again. What are
3 the Chemicals of Concern currently for the site?

4 A. I'd have to look at the risk assessment in the
5 RI report to answer that specifically.

6 Q. Okay. Can you tell me as you're sitting here
7 today as the project manager for Integral, can you
8 identify any Chemical of Concern for the site?

9 A. Tetrachlorinated dioxin and tetrachlorinated
10 furan are two.

11 Q. Can you name any of the other Chemicals of
12 Concern?

13 A. Yes.

14 Q. And what would those be?

15 A. The other 2,3,7,8-substituted dioxins and
16 furans.

17 Q. And so my question now is did you ever learn
18 that any of those Chemicals of Concern were located
19 outside the impoundments?

20 A. Yes.

21 Q. All right. Which of the Chemicals of Concern
22 for the site did you find were outside the impoundments?

23 MR. STANFIELD: Objection, form.

24 A. The 2,3,7,8-substituted dioxins and furans.

25 And as I said before, I would need to look at the

1 results in the RI report to answer more specifically.

2 Q. (BY MR. WOTRING) And when you say the
3 2,3,7,8-substituted dioxins and furans, what
4 specifically are you talking about?

5 A. Talking about the locations on the molecule
6 where the chlorines are attached.

7 Q. If I could turn your attention to Page 16, I
8 think the actual section starts on Page 15, and I'm
9 asking you about Section 1.5.1. Well, I'm sorry, go
10 ahead and read that section and let me know when you
11 have had a chance to look at it, because I have a
12 question on Page 15.

13 A. Do you want me to read this entire section?

14 Q. Well, my question is this, and then you can
15 tell me whether you want to look at the whole section.

16 There is a sentence that starts, "Because
17 there are no data to describe the chemical constituents
18 in the wastes generated by the Champion Paper mill in
19 Pasadena, Texas"?

20 A. Yes.

21 Q. And then it talks about industry experts and
22 technical papers were consulted. My question is who
23 were the industry experts that were consulted in that
24 context?

25 A. Those references would be listed in our

1 references cited section, which is not included in this
2 exhibit.

3 Q. Okay. The next page is Page 16, and it says
4 "Generally, the broad --" The first paragraph there.
5 "Generally, the broad categories of hazardous materials
6 expected in bleached kraft pulp mill wastes from that
7 era include dioxins, furans, and chlorinated phenols."

8 A. I see that statement, yes.

9 Q. Do you still agree with that statement?

10 MR. STANFIELD: Objection, form.

11 A. This statement represents an interpretation of
12 this personal communication with Wiegand. As such, it's
13 not something I can agree or disagree with in this
14 context.

15 Q. (BY MR. WOTRING) I see. The "Pers" means
16 personal communication?

17 A. Yes.

18 Q. Does that reference maybe a phone call or --

19 A. Yes.

20 Q. -- exchange of e-mails? I see. Do you know
21 who Wiegand is?

22 A. His name is Paul Wiegand, and he works for, or
23 at that time he worked with an organization that has
24 knowledge of paper mill wastes.

25 Q. What organization is that?

1 A. I would need to see the reference list to be
2 sure.

3 Q. Would it be listed there, maybe?

4 A. The personal communication would be fully cited
5 in the reference list.

6 Q. Okay. You said that this was an interpretation
7 of the communication with Mr. Wiegand. I don't think
8 that's responsive to my question. My question is did
9 you as the project manager for Integral agree with this
10 statement?

11 MR. STANFIELD: Objection, form.

12 Q. (BY MR. WOTRING) Or do you just not have
13 enough information?

14 MR. STANFIELD: Objection, form. Asked
15 and answered.

16 Q. (BY MR. WOTRING) Are you going to answer that
17 question or...

18 A. This is a statement paraphrased from a
19 conversation with Wiegand who is an expert on the topic.
20 I don't have any reason to agree or disagree with it
21 from my own personal experience.

22 Q. And the fact that it's contained in Exhibit
23 No. 389 does not mean that you as the project manager
24 agree or disagree with it, or even have to have an
25 opinion on it.

1 A. That's correct.

2 Q. Let's turn to the next paragraph and let me
3 explore that issue with you a little bit more. The next
4 paragraph starts out with "USEPA (1988b) and NCASI
5 (1999) confirm that dioxins and furans were generated
6 historically by bleached kraft pulp mills." Okay, do
7 you see that sentence?

8 A. I do.

9 Q. Now, do you agree with that sentence?

10 MR. STANFIELD: Objection, form.

11 A. I would have to see the citations to make a
12 determination about what they say and whether I agree
13 with this sentence.

14 Q. (BY MR. WOTRING) Okay. So the fact that it's
15 in the report in this way doesn't necessarily mean that
16 you as the project manager agree with it.

17 A. That's correct.

18 Q. And is that because it could have come from
19 different places?

20 A. Yes, that's partly the reason.

21 Q. Okay. For example, if -- did you draft
22 portions of this document, Exhibit --

23 A. I did.

24 Q. All right. And if I knew which portions you
25 drafted, would I be safe in assuming that you agreed

1 with those portions?

2 MR. STANFIELD: Objection, form.

3 A. That sounds like a hypothetical question. I
4 can't answer without speculating.

5 Q. (BY MR. WOTRING) Okay. So the question of
6 whether if you drafted a portion of Exhibit No. 389, the
7 Sampling and Analysis Plan and Sediment Study, you would
8 agree with those portions you drafted, that's a
9 hypothetical that you don't feel comfortable answering.

10 A. Yes.

11 Q. Section 1.5.2 down at the bottom of the page, I
12 want to ask you about that last sentence. It says that
13 "Dioxins and furans were detected in all samples from
14 the impoundments."

15 A. The last sentence, I see it.

16 Q. Do you see that? Now, do you agree with that
17 sentence?

18 A. I need to read it for a moment to see what
19 samples are being referenced in this sentence.

20 Q. Okay.

21 A. This is similar to your last question. I would
22 need to look at this reference to determine whether I
23 could agree or disagree with this sentence.

24 Q. So if I can turn your attention to the first
25 page of Exhibit No. 389 again, it has prepared by

1 Integral Consulting and Anchor QEA, LLC, correct?

2 A. Yes.

3 Q. And "prepared by" in this context doesn't mean
4 agreed to, or does it?

5 A. That's correct, it does not mean that.

6 Q. I asked a poor question on that. Just because
7 Exhibit No. 389 reflects that it was prepared by
8 Integral Consulting and Anchor QEA does not mean that
9 Integral Consulting agrees with or adopts all the
10 statements contained in Exhibit No. 389.

11 A. That is correct.

12 Q. And that's because, if I'm understanding what
13 you told me earlier, it's a collaborative process, and
14 this document reflects the comments of many different
15 people.

16 A. That's right.

17 Q. So to determine whether any statement contained
18 in a document like Exhibit No. 389 is a statement that
19 Integral Consulting agrees with, I would need to sit
20 down with somebody from Integral and review that
21 statement and get their opinion on it.

22 A. It depends on the statement. The statement you
23 were just asking me about references a certain document.

24 Q. Okay. So some statements you might be able to
25 agree to just because you know what they are, and some

1 statements you might not be able to.

2 A. It depends, that's right.

3 Q. And generally, what kind of statements do you
4 think you could agree to in Exhibit No. 389, or is there
5 any way of describing without going through each one?

6 MR. STANFIELD: Objection, form.

7 A. I think you'd have to identify a specific
8 statement and then I could address your question.

9 Q. (BY MR. WOTRING) Well, for example, let me ask
10 you about something like Exhibit -- or Section 1.2.

11 I think it's fair to say that there is a
12 similar statement like Exhibit No. 1.2 in a number of
13 the studies or other documents that I have reviewed
14 created by Anchor, "prepared by" I guess is the term,
15 Anchor and Integral. Do you think that's a fair
16 generalization?

17 MR. DODSON: Objection, form.

18 A. If I understood you correctly, you were
19 speaking of your own experience and I can't speak to
20 that.

21 Q. (BY MR. WOTRING) Do you know if there's a
22 similar statement to the Paragraph 1.2 in other
23 documents, studies, and reports prepared by Anchor and
24 Integral?

25 MR. DODSON: Objection, form.

1 MR. STANFIELD: 1.2 goes to the next page
2 as well.

3 Q. (BY MR. WOTRING) Just focus on the first
4 paragraph.

5 A. The first paragraph. This statement is similar
6 to statements made in other documents, yes.

7 Q. Okay. So here's the point of my question. If
8 you all say that you're preparing it pursuant to the
9 requirements of the UAO, would I be safe in assuming
10 that that's something that you as the project manager
11 for Integral would agree to, or would I need to explore
12 the reference documents?

13 MR. DODSON: Objection, form.

14 A. Are you referencing the sentence, the 2000 --
15 which sentence are you referencing there?

16 Q. (BY MR. WOTRING) I'll read it. "This Sampling
17 and Analysis Plan has been prepared on behalf of
18 International Paper and McGinnes Industrial Maintenance
19 Corporation, pursuant to the requirements of the UAO,"
20 skipping the docket number, "Which was issued by the
21 USEPA to IPC and MIMC on November 20th, 2009." That
22 sentence is what I'm referring to.

23 A. I agree with that sentence.

24 Q. Okay. And if there were other similar
25 sentences in other reports, would I need to ask you

1 specifically about them, or can we agree that if you're
2 writing down "We prepared this pursuant to the UAO,"
3 that's what we did?

4 MR. DODSON: Objection, form.

5 A. I would have to look specifically at those
6 sentences to answer that question.

7 Q. (BY MR. WOTRING) And so if anyone else were to
8 go through Exhibit No. 389 and be under the impression
9 that it was adopted by or approved by Integral, that may
10 not necessarily be the case, correct?

11 A. That sounds like a hypothetical that I am
12 uncomfortable addressing.

13 Q. Anybody else, if anybody else wanted to know
14 whether Integral Consulting agreed with and adopted any
15 of the other statements contained in Exhibit No. 389,
16 they would need to ask you or somebody else designated
17 by Integral Consulting, correct?

18 A. They would need to ask me or anyone else
19 designated by me from Integral Consulting about a
20 specific statement.

21 Q. Let me show you what has been marked as at
22 least Exhibit No. 33 in this case. Okay. Have you seen
23 a copy of this document before?

24 A. I have not.

25 Q. You have not seen the Public Health Assessment?

1 A. Not the final.

2 Q. And for the record, Exhibit No. 33, let me put
3 it up on the screen here. Exhibit No. 33 is the Public
4 Health Assessment, Final Release, for the San Jacinto
5 River Waste Pits, and it's prepared by the Texas --
6 Exhibit No. 33 is prepared by the Texas Department of
7 State Health Services.

8 A. I see that, yes.

9 Q. Okay. And is it you're telling us that you
10 have not seen the final copy of this Public Health
11 Assessment?

12 A. That's correct.

13 Q. Have you worked on other sites in which there
14 was a Public Health Assessment?

15 A. I don't remember seeing one before, no, at
16 other sites.

17 Q. Did you refer to this Public Health Assessment
18 prior to completing or prior to the completion of the
19 Baseline Human Health and Risk Assessment?

20 MR. STANFIELD: Objection, form.

21 A. Well, I would have to see the reference list in
22 the Baseline Human Health Risk Assessment to answer that
23 question.

24 Q. (BY MR. WOTRING) Okay. But as you sit here
25 today, you don't remember referring to this prior to the

1 completion of the Baseline Human Health Risk Assessment.

2 A. The document may or may not refer to it. I
3 would have to look at the reference list to answer that
4 question.

5 Q. Did you see a prior draft of this document? Do
6 you remember seeing a prior draft of the document?

7 A. Yes, I do.

8 Q. All right. Let me turn your attention to Page
9 No. 9. And that first paragraph is what I'm going to be
10 asking you questions about.

11 A. Shall I take a moment to read it?

12 Q. Yes.

13 MR. AXE: Earnest, which paragraph?

14 MR. WOTRING: Paragraph 1 on Page 9.

15 Q. (BY MR. WOTRING) My question will be whether
16 you agree with it.

17 MR. STANFIELD: Assuming that is you
18 lodging your question, my objection would be to form.

19 A. I have finished reading the paragraph.

20 Q. (BY MR. WOTRING) Okay. And now I think is the
21 appropriate time for the question, which is do you agree
22 with the factual statements contained on the first
23 paragraph of Page 9 of Exhibit No. 33, the Public Health
24 Assessment?

25 MR. STANFIELD: Objection, form.

1 A. I neither agree nor disagree with this
2 paragraph.

3 Q. (BY MR. WOTRING) In particular, let me address
4 you or direct you to the statement that the first
5 sentence says -- maybe I will put that up on the screen.

6 "The San Jacinto River Waste Pits site, in
7 the city of Channelview, Texas, consists of a series of
8 three surface impoundments (pits) that were constructed
9 on the west bank of the San Jacinto River near the
10 Interstate 10 (I-10) Bridge sometime between
11 October 4th, 1964, and February 15th of 1973." Okay, do
12 you see that sentence?

13 A. I see the sentence, but it says October 8th.

14 Q. Did I mess that up?

15 A. You said October 4th.

16 Q. Ah. With that correction, do you know where
17 the authors of the Public Health Assessment got the
18 February 15th, 1973 date?

19 A. I do not know where they got that date.

20 Q. Would that have been a significant fact for you
21 to determine in carrying out your duties and
22 responsibilities as the Integral project manager for the
23 site?

24 A. No, it wouldn't.

25 MR. STANFIELD: Objection, form.

1 A. No, it would not have been.

2 Q. (BY MR. WOTRING) And then the next sentence
3 says the "Paper mill waste containing elevated levels of
4 polychlorinated dibenzodioxins (PCDDs) and
5 polychlorinated dibenzofurans were offloaded from barges
6 into these pits sometime in the '60s and '70s."

7 Again, would that have been a statement
8 that you needed to explore in carrying out your duties
9 and responsibilities as the project manager for Integral
10 at the site?

11 A. No, it would not.

12 Q. The next paragraph says that -- midway through,
13 but let me know when you have had a chance to review it.

14 A. Okay, I will review it now. Okay, I've read
15 the second paragraph.

16 Q. And the question I have is it says that "The
17 maximum sediment dioxin level found on site was over 680
18 times higher than the ATSDR's screening level for
19 dioxins in residential soil." Do you see that sentence?

20 A. I see the sentence, yes.

21 Q. Do you agree or disagree with that statement?

22 A. There's not enough information here for me to
23 agree or disagree with it.

24 Q. Are you familiar with what the residential
25 screening level is for the ATSDR for dioxin in

1 residential soil?

2 A. No.

3 Q. The next sentence says, "The site is easily
4 accessible by boat and relatively accessible by land."
5 Do you agree with that statement?

6 MR. DODSON: Objection, form.

7 A. I disagree with the statement.

8 Q. (BY MR. WOTRING) And why do you disagree with
9 the statement?

10 A. Because in 2012, the TCRA had been completed
11 and access was very limited.

12 Q. And do you know if this Public Health
13 Assessment refers to pre-TCRA condition of the site, or
14 post-TCRA?

15 A. The statement is written in the present tense,
16 and the publication date is in October 2012. So under
17 those circumstances, I would surmise that it was
18 post-TCRA.

19 Q. And when we say TCRA, we're talking about --

20 A. Completion of the Time Critical Removal Action
21 in its entirety.

22 Q. Yeah. No, I'm making it clear for the record.
23 I appreciate you, but that means T -- capital T capital
24 C capital R capital A, and that's the Time Critical
25 Removal Action, correct?

1 A. Yes.

2 Q. All right, thank you. Well, do you know why
3 the authors of the Public Health Assessment felt that in
4 October of 2012 that the site was easily accessible by
5 boat and relatively accessible by land?

6 A. No, I do not.

7 Q. The next sentence says, "A trail leading across
8 the site terminates at a well-beaten-down point
9 overlooking the waters of the San Jacinto River." And
10 the sentence after that says, "Trash and debris at this
11 point tends to indicate that this is a fairly popular
12 fishing location."

13 Okay. Do you see where that sentence is?

14 A. Yes, I see it.

15 Q. Do you agree with that statement?

16 MR. STANFIELD: Objection, form.

17 A. Conditions on the site at the time, to my
18 understanding and the knowledge I have of that, do not
19 support these statements.

20 Q. (BY MR. WOTRING) Okay. And this again was
21 prepared by the Texas Department of State Health
22 Services, correct?

23 A. Yes.

24 Q. And it's your understanding that when they
25 completed this document in October of 2012, they

1 determined that the site was easily accessible by boat
2 and relatively accessible by land, correct?

3 MR. STANFIELD: Objection, form.

4 A. I can see that they say it. I don't know
5 whether they determined it.

6 Q. (BY MR. WOTRING) Okay. Well, let me ask you,
7 do you think that they put things in the Public Health
8 Assessment that they had not determined?

9 MR. STANFIELD: Objection, form.

10 A. I don't know how they do their work.

11 Q. (BY MR. WOTRING) Okay. I think you've
12 previously said that the clients for Integral with
13 regard to its work on the site was International Paper.
14 Do you know who the clients are for the Texas Department
15 of State Health Services?

16 A. No, I do not.

17 MR. STANFIELD: Objection to form.

18 Q. (BY MR. WOTRING) On Page 19 of the Public
19 Health Assessment, Exhibit No. 33, if you wouldn't mind
20 reading the paragraph called "Site Description."

21 A. I'll read it.

22 MR. STANFIELD: Did you say description or
23 history?

24 MR. WOTRING: Site Description.

25 A. Counselor, is Appendix B included in this

1 exhibit?

2 Q. (BY MR. WOTRING) We can check.

3 A. Okay, I found it.

4 Q. Okay.

5 A. I've read the paragraph.

6 Q. Okay. Let me direct your attention to the
7 sentence that says, "The pits consist of a series of
8 three surface impoundments that were constructed
9 sometime between October 8th, 1964, and February 15th,
10 1973."

11 My question is do you have an opinion
12 about whether there were three surface impoundments as
13 referenced in that sentence?

14 MR. STANFIELD: Objection, form.

15 A. No, I do not.

16 Q. (BY MR. WOTRING) As part of your work as the
17 project manager for Integral on this site, was it
18 necessary for you to determine whether there were one,
19 two, or three pits or surface impoundments at the site?

20 A. No, it was not necessary.

21 Q. Paragraph No. 20 -- I'm sorry, on Page 21, the
22 last paragraph says that "The EPA implemented a time
23 critical removal action at the site, beginning in
24 February 2011 and finishing in July 2011." Do you see
25 that sentence?

1 A. I see that, yes.

2 Q. Is that consistent with your memory of when the
3 TCRA was completed?

4 A. I don't have firsthand experience with
5 implementation of the TCRA, other than a few requests
6 for technical support that were sent to me by Anchor QEA
7 during that time. So I can't speak -- I don't have the
8 information to answer your question.

9 Q. Okay. And so as the project manager for
10 Integral on the site, you didn't feel it was one of your
11 duties and responsibilities to keep up with when the
12 TCRA was being implemented and completed.

13 A. Integral's responsibilities were primarily
14 pertaining to the UAO. The TCRA was conducted under a
15 separate order, and Integral is not closely involved
16 with that. So the answer to your question is yes.

17 Q. If you can turn to Page 23 of Exhibit No. 33,
18 the Public Health Assessment. The first sentence there
19 says, "Representatives from DSHS, TCEQ, and EPA visited
20 the San Jacinto River Waste Pits Site on December 18th,
21 2007. At that time, the site was unfenced and easily
22 accessible from the San Jacinto River by small boat."
23 My question is do you have any reason to disagree with
24 that statement?

25 A. I have no reason to agree or disagree with it.

1 Q. And if I can go down to the next paragraph, I'm
2 going to ask you about the sentence that says "During
3 the site visit."

4 A. I see the sentence.

5 Q. It says, "During the site visit, the DSHS team
6 members talked with a number of families who were
7 fishing and wading in the San Jacinto River beneath the
8 I-10 Bridge immediately downstream of the site and
9 others who were fishing while squatting in two to three
10 feet of water directly over the pits on the east side of
11 the site." Do you see that?

12 A. I see the sentence.

13 Q. Do you have any reason to disagree with that
14 sentence?

15 A. I have no knowledge or experience to agree or
16 disagree with it.

17 Q. Do you remember in the Baseline Human Health
18 Risk Assessment the different areas that were tested
19 were referred to as different beaches, Beach A, Beach B,
20 or Area A, Area B? Do you remember that?

21 A. Yes, I remember that.

22 Q. Do you remember that the exposure for people
23 who were on Area -- was it beach or is it area? Do you
24 remember?

25 A. It would be better to look at the document just

1 to be sure.

2 Q. Okay. Well, Beach or Area E, that had the
3 highest -- exposure at Area E had the highest risk for
4 people. Is that consistent with your memory?

5 MR. STANFIELD: Objection, form.

6 A. I'd prefer not to speak from memory about the
7 specifics of a risk assessment.

8 Q. Do you know where Area E was in conjunction
9 with this sentence where these people were?

10 MR. STANFIELD: Objection, form.

11 A. I do not.

12 Q. (BY MR. WOTRING) As part of your role for
13 Integral, the project manager, did you ever conduct any
14 sort of survey about the historic use of the site?

15 A. I don't remember conducting any such survey.

16 Q. Did Integral ever go out and conduct any sort
17 of survey reflecting the use by subsidence --

18 Did Integral ever go out and do any sort
19 of survey reflecting the use of the site by subsistence
20 fishermen and their families?

21 MR. STANFIELD: Objection, form.

22 A. Integral did not conduct any such surveys.

23 Q. (BY MR. WOTRING) Do you know if QEA conducted
24 any other -- any such surveys?

25 A. I do not know.

1 Q. Aside from Integral and Anchor QEA, were there
2 other consulting firms that worked on the site?

3 MR. STANFIELD: Objection, form.

4 A. Anchor QEA and Integral had subcontractors that
5 may have included other consulting firms.

6 Q. (BY MR. WOTRING) What other consulting firms
7 are you aware of that worked on the site?

8 MR. STANFIELD: Objection, form.

9 Q. (BY MR. WOTRING) Well, let's start with this.
10 Let's start with what other subcontractors did Integral
11 subcontract out work for on the site?

12 A. We used a local firm to help collect samples.
13 I can't remember their name right now. And our contract
14 laboratory was Columbia Analytical Services.

15 Q. You used a local Houston area firm to collect
16 samples out at the site?

17 A. Yes.

18 Q. And then you had an outside lab handle some of
19 the analysis?

20 A. Yes.

21 Q. Do you suspect that the outside subcontractors
22 that you used, that Integral used, at least, are
23 reflected in the documents and reports and other
24 information prepared?

25 A. Do I suspect that they are reflected in it?

1 Q. Well, let me just ask you this. Would any
2 subcontractors that Integral used on this site be
3 reflected in the reports that Integral prepared with
4 Anchor QEA?

5 A. I don't understand the question.

6 Q. Would you have had to disclose to the EPA if
7 you had used any subcontractors for your work on the
8 site?

9 A. Would we have had to disclose them? That
10 sounds like a legal question that I'm not qualified to
11 answer.

12 Q. Did you as the project manager for Integral
13 disclose to the EPA all of the subcontractors who worked
14 on the site?

15 A. I have no reason to believe that we did not
16 disclose that. I can't verify that we disclosed all
17 subcontractors. However, regarding field sampling, EPA
18 and folks from TCEQ on all field sampling events were
19 present and actually met subcontractors who were in the
20 field. I believe we named Columbia Analytical Services
21 in at least one or more locations. So based on those
22 memories, I would say EPA is aware of the subcontractors
23 that were used.

24 Q. And that's my question. As the project manager
25 for Integral, would there have been any reason you would

1 have wanted to keep the names of the subcontractors who
2 were working on the site confidential?

3 A. No.

4 Q. Are you qualified to offer any criticisms of
5 the analysis contained in Exhibit No. 33, the Public
6 Health Assessment?

7 MR. DODSON: Objection, form.

8 MR. STANFIELD: Objection, form.

9 A. The question is fairly broad, Counselor. Could
10 you be more specific?

11 Q. (BY MR. WOTRING) I don't think I can.

12 MR. DODSON: You said that you have never
13 seen it before. So if you need to read it, you should
14 do so.

15 A. Yeah, I would need to read it to be able to
16 answer that question.

17 Q. (BY MR. WOTRING) Okay. Well, when you
18 reviewed the drafts of this document, do you remember
19 having any criticisms of it, in your mind?

20 A. I prepared with colleagues some comments on the
21 draft, yes.

22 Q. And would those have reflected any concerns
23 that you might have had about the Public Health
24 Assessment?

25 A. They would have, yes.

1 Q. Do you remember if, in those comments, you
2 questioned any of the historic facts contained on
3 Page 9, the first paragraph?

4 A. I can't speak from memory with regards to those
5 comments. That was several years back.

6 Q. Did you, on behalf of Integral as the project
7 manager, take any action to accelerate the completion of
8 the temporary remedy?

9 MR. STANFIELD: Objection, form.

10 A. As I said before, Integral didn't have a very
11 major role in implementation of the remedy.

12 Q. (BY MR. WOTRING) Okay. I understand that
13 answer. My question is notwithstanding the fact that
14 you didn't view Integral's responsibility to include
15 implementation of the remedy, did you or anybody else at
16 Integral, as far as you know, take any action to
17 accelerate the completion of the temporary remedy?

18 MR. STANFIELD: Objection, form.

19 A. To the extent that Anchor QEA had requests for
20 information or maps or documentation necessary to meet
21 the requirements that were discussed and advanced by EPA
22 for implementation of the Time Critical Removal Action,
23 yes, Integral and I did have a role in helping them
24 accelerate that process.

25 Q. (BY MR. WOTRING) Okay. Aside from

1 accelerating the response to Request for Information,
2 did Integral do anything else to accelerate the
3 completion of the temporary remedy?

4 MR. STANFIELD: Objection, form.

5 A. Aside from that, no.

6 THE VIDEOGRAPHER: Mr. Wotring, change the
7 disc?

8 MR. WOTRING: Yes. You need to change the
9 tape?

10 THE VIDEOGRAPHER: Yes, if we could.

11 MR. WOTRING: Okay. Let's take a brief
12 break.

13 THE VIDEOGRAPHER: It's now 2:14. This is
14 the end of Disc No. 2. We're off the record.

15 (Recess from 2:14 to 2:30)

16 THE VIDEOGRAPHER: It's now 2:30. This is
17 start of Disc No. 3. We're back on the record.

18 Q. (BY MR. WOTRING) Let me show you what's
19 already been marked as Exhibit No. 249 to an earlier
20 deposition in this case. And are you familiar with
21 Exhibit No. 249?

22 A. Yes.

23 Q. It says it's prepared by Integral and Anchor
24 QEA. What generally was Integral's role in preparation
25 of Exhibit No. 249?

1 A. Integral was responsible for much of the
2 analysis and writing and coordinating with Anchor QEA to
3 incorporate their technical input.

4 Q. If you would turn to Page 5-6 and 5-7, I want
5 to ask you some questions about some of the comments on
6 5-7.

7 A. I see Page 5-7.

8 Q. Okay. And I'm going to ask you about the
9 paragraph that says, "An analysis presented in Section 3
10 of the COPC Technical Memorandum." Do you see that
11 paragraph?

12 A. I do.

13 (Exhibit No. 390 marked)

14 Q. And is Exhibit No. 390 the documents referenced
15 there on that paragraph?

16 MR. AXE: Do you have an extra --

17 MR. WOTRING: Yes.

18 Q. (BY MR. WOTRING) The question is is Exhibit
19 No. 390 the document referred to in that paragraph as an
20 analysis presented in Section 3 of the COPC?

21 A. It looks like Exhibit 390 is a portion of the
22 document referenced on Page 5-7 of Exhibit 249.

23 Q. What do you think is left out of it?

24 A. It looks like a couple of appendices are
25 missing.

1 Q. Okay. Now, in comparison to the other
2 documents we've looked at, or some of the other
3 documents we've looked at, this one reflects it is just
4 prepared by Integral Consulting, Exhibit No. 390.

5 A. Yes.

6 Q. Okay. And that is because Integral had the
7 entire responsibility for the preparation and
8 completion?

9 A. Well, we had the responsibility for preparing
10 the draft and incorporating input from EPA following
11 their review.

12 Q. Okay. Well, let me ask you, why wasn't Anchor
13 QEA reflected as being one of the preparers for Exhibit
14 No. 390?

15 A. I don't have a detailed memory of why they were
16 or were not involved. I believe most of the decisions
17 presented in this report pertained to matters that were
18 under Integral's lead.

19 Q. Okay. We're looking, or I was looking at
20 Page 5-6 and 5-7 of the Preliminary Site
21 Characterization Report, Exhibit No. 249.

22 A. Yes.

23 Q. And 5.3.1 is -- discusses generally the
24 performance of the Baseline Risk Assessment, correct?

25 A. Yes.

1 Q. And according to Exhibit No. 249, it says that
2 "According to the guidance for performance of an RI/FS,
3 a 'baseline risk assessment is developed to identify the
4 existing or potential risks that may be posed to human
5 health and the environment at the Site,'" correct?

6 A. I see that statement, yes.

7 Q. And do you agree with the remaining statements
8 in the first paragraph under Paragraph 5.3.1?

9 A. I'll need a moment to read them.

10 Q. Yes, ma'am.

11 A. I've read the paragraph.

12 Q. Okay. Do you agree with the statements
13 contained in that paragraph, the first paragraph on
14 5.3.1 of Exhibit No. 249?

15 A. I agree with the statements.

16 Q. Okay. I'm going to ask you about the next
17 paragraph. To me what the next paragraph says is that a
18 decision was made to remove certain data from inclusion
19 in the baseline dataset for the Baseline Risk
20 Assessment.

21 A. I'll need a moment to read it.

22 Q. Yes.

23 A. Okay, I have read the paragraph.

24 Q. Okay, and here is my question. It says midway
25 through that paragraph, "It concluded that the sediment

1 data from 2005 would not be included in the baseline
2 dataset, because it was not representative of current
3 conditions." Do you see where I am?

4 A. I see the sentence, yes.

5 Q. Okay. And the reference in that sentence to
6 the baseline dataset is to the baseline dataset used for
7 the Baseline Risk Assessment.

8 A. Correct.

9 Q. And basically the sediment data from 2005 would
10 not be included because the technical memorandum, which
11 is Exhibit No. 390, determined it was not representative
12 of current conditions.

13 A. The analysis presented in Exhibit 390
14 determines that there's a statistically significant
15 difference in the dioxin and furan concentrations of the
16 sediments collected in 2005 from the sediments collected
17 in 2010.

18 Q. Okay. And therefore it should not be used for
19 the baseline dataset for the Baseline Risk Assessment.
20 That's the conclusion reached from the technical --

21 A. No. Therefore, it does not represent current
22 conditions which is required by the CERCLA guidance for
23 a baseline dataset.

24 Q. Okay. So it doesn't represent current
25 conditions, so it should not be used in the baseline

1 dataset for the Baseline Risk Assessment.

2 A. That's right.

3 Q. So whatever data it was concluded should not be
4 used in Exhibit No. 390, and as reflected here on this
5 paragraph in Exhibit No. 249, would not have been used
6 in the Baseline Human Health Risk Assessment; is that
7 correct?

8 MR. STANFIELD: Objection, form.

9 A. That is correct.

10 Q. (BY MR. WOTRING) And let me do some other
11 housekeeping while I'm at it. Exhibit No. 268 is
12 Volume I to the Baseline Human Health Risk Assessment;
13 is that correct?

14 A. Is what?

15 Q. Is Exhibit No. 268 the Baseline Human Health
16 Risk Assessment for the San Jacinto River Waste Pits,
17 Volume No. I?

18 A. It looks to be Volume No. I of the Baseline
19 Human Health Risk Assessment.

20 Q. And then take a minute to look at an exhibit
21 that has previously been marked as Exhibit No. 298.
22 Okay, is Exhibit No. 298 the Remedial Investigation
23 Report?

24 A. It's Volume I of the report.

25 Q. How many volumes of the report are there?

1 A. I believe there are -- there's another volume
2 with appendices, and the appendices are not included in
3 this exhibit.

4 Q. Is this the current Remedial Investigation
5 Report --

6 A. This is the final --

7 Q. -- without the appendices?

8 A. This is the final, yes.

9 Q. This is the final.

10 A. According to the date.

11 Q. Okay, if I could turn your attention back to
12 Exhibit No. 249, the Preliminary Site Characterization
13 Report.

14 A. Yes.

15 Q. I want to go back to Page 5-7.

16 A. Okay.

17 Q. It talks about there being a change in sediment
18 conditions?

19 A. Yes.

20 Q. Representing the change in overall conditions?

21 A. Yes.

22 Q. Okay. And did Integral or Anchor -- well, let
23 me just ask it broadly. Are you aware of anyone
24 identifying why there was a change in conditions between
25 the 2005 and 2010 data collections?

1 MR. STANFIELD: Objection, form.

2 A. I am not aware of anyone identifying why.

3 Q. (BY MR. WOTRING) In that sentence, the next
4 sentence there says, "Although the cause of the
5 difference is unknown, this analysis does provide a
6 useful benchmark for all of the datasets, if it is
7 assumed that a change in sediment conditions represents
8 a change in overall conditions." Do you see where I am
9 reading from?

10 A. Yes, I see the sentence.

11 Q. And that change is what I was talking about,
12 and you're not aware of anybody identifying what that
13 change was?

14 A. We identified what the change was in
15 Exhibit 390. We didn't under -- we didn't -- I'm
16 unaware of anyone who has identified why the change took
17 place.

18 Q. You identified the change, it's just not the
19 cause of the change.

20 A. That's correct.

21 Q. And then the next sentence concludes by saying,
22 "Therefore, on the basis of difference in dioxin and
23 furan concentrations in sediments in 2005 with those
24 collected in 2010, none of the data collected in 2005 or
25 earlier will be considered part of the baseline

1 dataset." Is that --

2 A. That's what the sentence says, yes.

3 Q. Okay. Now, if we go back to Exhibit No. 33,
4 which is there, the Public Health Assessment --

5 A. Uh-huh (affirmative).

6 Q. -- do you know if they included the previous
7 data in their analysis?

8 A. I would have to review it since I've never seen
9 it before today.

10 Q. Okay. And the reason that the 2005 and earlier
11 data was excluded, I think is explained here, is because
12 that's not how you're supposed to do the baseline --
13 I've forgotten my phrase. That's not how you're
14 supposed to use -- to do the baseline dataset.

15 MR. STANFIELD: Objection, form.

16 A. As stated on Page 5-6 at the end --

17 Q. (BY MR. WOTRING) Right.

18 A. -- CERCLA guidance indicates that a "baseline
19 risk assessment is developed to identify the existing or
20 potential risks that may be posed to human health and
21 the environment at the Site."

22 The baseline dataset represents that
23 existing condition. It's a determination in every
24 RI/FS, what is the baseline dataset. It does not mean
25 that you completely disregard all of the other data, but

1 it means that your risk assessment is conducted using
2 the baseline dataset.

3 Q. (BY MR. WOTRING) Yeah, and the baseline data
4 set doesn't include the 2005 or earlier data because it,
5 according to Integral, should not be used consistent
6 with how the EPA guidelines work.

7 MR. STANFIELD: Objection, form.

8 A. According to EPA guidance, it should not be
9 used.

10 Q. (BY MR. WOTRING) Right. Okay. I think we're
11 on the same page. And then the next sentence says, "To
12 summarize, data to be used in the baseline risk
13 assessments should be Category 1 data and should reflect
14 the current condition, which does not include conditions
15 occurring in 2005 or previously."

16 And then it says, "Among the currently
17 available datasets, this includes: Soil, sediment and
18 tissue data collected for the RI/FS" and "Sediment and
19 water data collected for the URS (2010) for TCEQ in
20 2009." Okay, do you see where I'm reading from?

21 A. I do see that, yes.

22 Q. Now, my question is, when it says "Among the
23 currently available datasets," that means among the
24 currently available datasets that can be used to set the
25 baseline conditions or the baseline dataset?

1 A. Yes.

2 Q. And the next sentence says, it talks about some
3 other data, additional sediment, water, and tissue data
4 for PCB congeners?

5 A. Yes.

6 Q. And it says that "That may be used for the
7 baseline risk assessments if the required laboratory QA
8 information can be obtained." Do you know if that ever
9 happened? Just as you sit here today, you know.

10 A. I believe some of the data were used in the
11 Human Health Risk Assessment, but I would prefer to see
12 the Human Health Risk Assessment to confirm that.

13 Q. And if we could turn over to Page 5-8 of this
14 Exhibit No. 249, if you could review, though, that
15 paragraph.

16 A. Which one?

17 Q. 5.3.3.

18 A. Okay. I've read the paragraph.

19 Q. Okay. And what it says is, as I understand
20 it -- well, okay. What is data currently classified as
21 Category 1? What is the Category 1 in that context?
22 What is it referring to?

23 A. Category 1 refers to the data classification
24 rules that I mentioned earlier that are articulated in
25 the RI/FS Work Plan in Section 3.

1 Q. Are those reflective of EPA classifications, or
2 are those site-specific?

3 A. Well, they are both. To the extent that EPA
4 reviewed and approved the RI/FS Work Plan, they reviewed
5 that section in our proposal for classification of data
6 and uses of data in different classes. So it reflects
7 their input as well.

8 Q. All right. Let me ask a more specific
9 question. If I went to some sort of EPA publication,
10 would they tell me what data has to be to meet the
11 Category 1 classification referenced here on the bottom
12 of 5-8 in Exhibit No. 249?

13 MR. STANFIELD: Objection, form.

14 A. That's a hypothetical question. Sir, I don't
15 know.

16 Q. (BY MR. WOTRING) You don't know. And the next
17 sentence says, "Therefore, much of the available data
18 that preceded the RI/FS are neither representative of
19 current conditions nor appropriate for decision making."
20 Do you see that sentence?

21 A. I do.

22 Q. And the decision-making there is referencing
23 what? Decision-making for what?

24 A. The definitions of Category 1 and Category 2
25 are laid out in the RI/FS Work Plan, and they were

1 approved by EPA. We can look at that text to determine
2 those specific definitions, but they reference whether
3 data can be used for decision-making or not, and whether
4 the data would belong in the baseline dataset or not.

5 Q. Yeah, my question is decision-making for what?
6 Not the Category 1, but the reference here for
7 decision-making.

8 A. Decision-making in the RI/FS process.

9 Q. And then it says, again back to the text of
10 Exhibit No. 249, it says, "Nevertheless, these data may
11 have value in understanding past conditions, and are
12 considered useful for descriptions of the past, to the
13 extent that such descriptions are necessary." Right,
14 that's what it says?

15 A. I see that sentence, yes.

16 Q. Now, let me ask you this. I'm not sure I've
17 asked you this. Do you, as a project manager for
18 Integral, agree with the statements contained in 5.3.3?

19 MR. STANFIELD: Objection, form.

20 A. Yes, I do.

21 Q. (BY MR. WOTRING) Do you know, as you sit here
22 today, whether the pre -- the 2005 and pre data were
23 used in any of the sections of the Baseline Human Health
24 Risk Assessment that's at Exhibit No. 268?

25 A. Do I know if those data were used in this risk

1 assessment?

2 Q. Yeah, in any portion of the Exhibit 268.

3 A. I would have to review it and look to see.

4 Would you like me to do that?

5 Q. No, no. Would you expect it to be reflected in
6 Exhibit 268 if they were used?

7 MR. STANFIELD: Objection, form.

8 A. As described here on Page 5-8 and Page 5-9,
9 such data might have been used in a descriptive way, but
10 would not have been used in the risk calculations for
11 the Baseline Risk Assessment.

12 Q. (BY MR. WOTRING) If you could look at
13 Page 6.2.

14 A. Of?

15 Q. Exhibit No. 249, back on this Preliminary Site
16 Characterization Report.

17 A. I have Page 6.2, or 6-2.

18 Q. Yeah, I'm going to look at the second paragraph
19 entitled "Ground surface elevations," and I want to ask
20 questions about the aerial photographs at the end.

21 A. All right. Should I read this?

22 Q. Yeah, probably read that paragraph.

23 A. All right. Okay, I have read that paragraph.

24 Q. The sentence says, "In the historical aerial
25 photographs, it appears that this section of the Site

1 took its current shape in the early 1980s." Are you
2 oriented to that sentence?

3 A. Excuse me?

4 Q. Have you found that sentence? Let me know
5 when --

6 A. I do, I see it, yes.

7 Q. All right. Do you know what analysis was done
8 of the historical aerial photographs?

9 A. I can't describe specifically the analysis that
10 supports this statement.

11 Q. Do you know who did that analysis?

12 MR. STANFIELD: Objection, form.

13 A. I don't.

14 Q. (BY MR. WOTRING) Now, if we could go to 6.4,
15 and I'm going to ask you questions about -- well, first
16 of all, do you know who worked on 6.1.1.2 of Exhibit
17 No. 249 for Integral?

18 MR. STANFIELD: Objection, form.

19 Q. (BY MR. WOTRING) Wait a minute, I asked a
20 question, a question too far. Did Integral have the
21 primary role in drafting 6.1.1.2, "Hydrologic Flow
22 Pathways"?

23 A. I'd like to take a moment to review it.

24 Q. Yeah.

25 A. Okay, I've read Section 6.1.1.2.

1 Q. And my question, I think, was did Integral have
2 the primary responsibility for drafting this section?

3 A. Integral prepared the first draft of this
4 section.

5 Q. And it discusses there the LiDAR dataset. Do
6 you see that?

7 A. I do.

8 Q. Can you describe for me what that dataset is?

9 A. I can describe it for you in general terms.
10 I'm not an expert in remotely-sensed information. LiDAR
11 stands for light detection and radar. It involves an
12 aerial detection of the surface at a fine scale so that
13 the surface can be described.

14 Q. Who were the people at Integral who worked on
15 obtaining and interpreting the LiDAR dataset?

16 A. Gerald Palushock and Erik Strandhagen.

17 Q. Do you know, did the LiDAR dataset, was it a
18 snapshot at a single point in time, or was the data
19 gathered over different periods of time?

20 A. I don't know how LiDAR is gathered.

21 Q. And on 6.4, I'm looking on Page 6.4.

22 A. Uh-huh (affirmative).

23 Q. And it says -- and this is reflective of
24 conditions -- well, let me ask that. When is the
25 hydrologic flow pathways? Is that reflective of

1 conditions around -- historically, or at the time the
2 data is gathered, or do you know?

3 MR. STANFIELD: Objection, form.

4 A. Can you point me specifically to the statement?

5 Q. (BY MR. WOTRING) Yeah, the statement that I'm
6 asking, going to ask you about is on 6.4, and it says,
7 near the bottom of the first paragraph on that page,
8 "Surface water flow along the eastern section of the
9 upland sand separation area discharges to the river
10 along its perimeter, and internally there appears to be
11 at least one surface water sink."

12 A. This discussion specifically references
13 Figure 6-2.

14 Q. Yes, I think Figure 6 -- hopefully I figure
15 you -- do you have a copy of Figure 6-2?

16 A. Yes, and as described in this text, Figure 6-2
17 is a modeled interpretation of that LiDAR data.

18 Q. So to determine when Figure 6-2, what time
19 period it refers to, we'd need to refer to the LiDAR --

20 A. Which is 2008.

21 Q. 2008.

22 A. And I'd like to correct myself. I believe
23 LiDAR stands for light detection and radar -- or
24 ranging, not radar.

25 Q. And is it a snapshot or a dataset collected

1 over various periods of time?

2 MR. STANFIELD: Objection, form.

3 A. Like I said, I'm not sure.

4 Q. (BY MR. WOTRING) Let me ask you about
5 Figure 6.2.

6 A. I have the figure.

7 Q. You have it in front of you? Okay. There's
8 Map 1 and then there's Map 2, right?

9 A. Yes.

10 Q. Map 1, at the top of the page, that's not the
11 site, is it?

12 A. Map 1 is an area near the northern
13 impoundments, referred to in our documents as the upland
14 sand separation area.

15 Q. Okay. And the map --

16 MR. DODSON: Earnest, I need to get
17 acclimated. Where are we?

18 A. Figure 6-2 of Exhibit --

19 MR. WOTRING: The map.

20 A. -- 249.

21 MR. DODSON: Thank you.

22 Q. (BY MR. WOTRING) Okay. Map 2 is of the site.

23 A. Map 2 is focused on the northern impoundments.

24 Q. Okay. And then if you look down at the bottom,
25 it says -- it's got a little shaded box for the USEPA's

1 preliminary site perimeter?

2 A. That's right.

3 Q. And if you look at where that's located on
4 Map 1, and that would not be correct, would it?

5 A. Could I ask you to look at this with me?

6 Q. Yeah.

7 A. The preliminary site perimeter is shown in the
8 corner right here.

9 Q. Is that accurate?

10 A. USEPA's preliminary site perimeter is described
11 probably at the beginning of this document as part of an
12 overall context for this work.

13 Q. Well, and here's my question. The USEPA
14 preliminary site perimeter never included the areas
15 contained on Map 1, did it?

16 A. It looks like it includes most of that area,
17 with the exception of this part.

18 Q. That's consistent with your understanding of
19 the USEPA's preliminary site perimeter for the site?

20 A. The USEPA's preliminary site perimeter is
21 defined in each document. I would refer you to that
22 definition.

23 Q. Oh, I'm with you, okay. You can see it from
24 6.1. There you see the little jog there.

25 A. 6.1?

1 Q. Yeah, the previous page. USEPA's preliminary
2 site perimeter is --

3 MR. STANFIELD: I think he's referring to
4 Figure 6-1.

5 MR. WOTRING: I'm sorry, what did I say?

6 A. Yes, Figure 6-1 shows a better perspective on
7 that.

8 Q. (BY MR. WOTRING) Okay. Now, on Map 2, let me
9 see if I can put this up on the screen, maybe not, and
10 this is Figure 6.2 that we've been talking about, and
11 here is Map 1, and Map 1 is not where the impoundments
12 were, correct?

13 A. That's correct.

14 Q. And what this is showing is the direction of
15 where groundwater flow happens at the land located on
16 Map 1 and Map 2?

17 A. Again, this is a modeled interpretation of the
18 LiDAR data.

19 Q. It's a modeled interpretation of the LiDAR data
20 showing how groundwater travels.

21 A. Not groundwater. Surface flow.

22 Q. Ah, sorry. How surface water travels.

23 A. As described in the section you just asked me
24 to read.

25 Q. Okay. Now, let me make sure I'm understanding

1 this, because -- now, if we're looking at Map 2 and this
2 dotted line that I'm pointing to here, can you see that?

3 A. I do see that.

4 Q. Is that a pathway for surface water to follow
5 based upon the LiDAR dataset?

6 MR. STANFIELD: Objection, form.

7 A. The legend interprets that as the zero-foot
8 contour. It doesn't speak to whether it's a path.

9 Q. (BY MR. WOTRING) Would you expect that -- I'm
10 sorry, did you finish that answer?

11 A. No. Go ahead, I'm finished.

12 Q. Yeah, would you expect that since it's a zero
13 contour as reflected in the legend, that would be a
14 pathway for surface water?

15 MR. STANFIELD: Objection, form.

16 A. I'm not a hydrologist. I can't speak to that
17 question.

18 Q. (BY MR. WOTRING) Okay. If you could look at
19 the next paragraph, now on Page 6-4, starting with
20 "Surface water flows"?

21 A. Yes.

22 Q. Do you agree with the contents of that
23 paragraph?

24 MR. STANFIELD: Objection, form.

25 A. I don't have reason to agree or disagree with

1 it. As we've discussed, these documents represent the
2 input of a lot of different people.

3 Q. (BY MR. WOTRING) Okay.

4 A. So I can't agree or disagree.

5 Q. Back on 5-7, if you could just turn back there,
6 I have a question about that.

7 A. Okay.

8 Q. In between 2005 and 2010, are you aware of any
9 storm events that took place in or around the site that
10 may have affected the dioxin and furan concentrations in
11 sediment?

12 MR. STANFIELD: Objection, form.

13 A. Can I ask you to rephrase the question?

14 Q. (BY MR. WOTRING) Maybe. Would you mind
15 reading it back, and then I'll try and --

16 (The record was read as requested.)

17 A. I'm not aware of storm events that took place
18 during that time.

19 Q. (BY MR. WOTRING) Did you, or anybody at
20 Integral at your direction, investigate such storm
21 events that took place in and around the site between
22 2005 and 2010?

23 MR. STANFIELD: Objection, form.

24 A. I don't remember doing that.

25 Q. (BY MR. WOTRING) If I can ask you to look at

1 6.1.1.6.2 on Page 6-12.

2 A. I do see that section.

3 Q. Do you know if Integral was the primary initial
4 drafter of this section?

5 A. I'd have to read it.

6 Q. Okay. I'm only going to ask you up until the
7 last complete sentence on 6-13.

8 A. I've finished reading the section to the bottom
9 of Page 6-13.

10 Q. Yeah, and my question was whether Integral had
11 the primary responsibility for the initial draft of this
12 section.

13 A. I don't think so. This looks like Anchor QEA's
14 work.

15 Q. If I can ask you about Page 6-19, it's
16 6.1.2.1.1, "Surface Sediment."

17 A. Okay.

18 Q. And my question would be whether you agree or
19 disagree with the statements contained in the paragraph
20 on 6-19 starting "Surface sediment."

21 A. I'll need to take a moment to review.

22 Q. Okay.

23 A. I've read the section.

24 Q. Yes. And my question is whether you agree with
25 the statements or the statement saying that "The highest

1 TEQdf concentrations in surface sediments north of I-10
2 are located in the eastern side of the upland sand
3 separation area, approximately 500 to 700 feet northeast
4 of the northern impoundment."

5 A. Are you reading on Page 6-18?

6 Q. No, I'm sorry. I think I'm reading on Page
7 6-19.

8 A. Oh. I'm sorry, I just reviewed the paragraph
9 under the section heading on Page 6-18. Should I read
10 the entire thing?

11 Q. Yeah. Well, the entirety of that section.

12 A. Okay.

13 Q. Well, how about this? Do you know if Integral
14 had the primary responsibility for the initial drafting
15 of this section?

16 A. I think we probably did, yes.

17 Q. All right. And then my question is for that,
18 or is going to be is for that sentence I just read,
19 which I can read again, do you agree or disagree with
20 that sentence?

21 A. Could you point me to the sentence, please?

22 Q. Yeah, it's the one on 6-19, the paragraph
23 starting "Surface sediment," and it's the second
24 sentence there --

25 A. Okay.

1 Q. -- "The highest TEQ concentrations." We got
2 out of sync. My fault.

3 A. I see the statement and I agree with it.

4 Q. Let me ask you about Section --

5 A. Can I qualify that?

6 Q. Yes.

7 A. The sentence should say the highest TEQ
8 concentrations in surface sediments north of I-10 are
9 located on the eastern side of the upland sand
10 separation area. That's referring to the highest
11 concentration shown there on that map that's referenced.

12 Q. Okay. Let me ask you about 6.1.3, "Summary of
13 Tissue Chemistry Data."

14 A. I see the section.

15 Q. Okay. Was Integral primary responsible for
16 the -- did Integral have the primary responsibility for
17 the initial draft of this section?

18 A. Yes.

19 Q. And the selection of the different species for
20 tissue investigation as reflected on 6-26, the reasoning
21 behind the selection of those species is reflected in
22 the remainder of -- or is spelled out in the Preliminary
23 Site Characterization Report or somewhere else?

24 A. The reasoning for the selection of these
25 species may be there. I don't know. It would have been

1 laid out in the Tissue SAP.

2 Q. Let me ask you generally about 6-51, and that's
3 6.2.3.2, "Site-Specific Unmixing Analysis."

4 A. I'm sorry, are we referring to sections or
5 pages?

6 Q. Page 6-51.

7 A. I see the page.

8 Q. Okay. The Site-Specific Unmixing Analysis, is
9 that something that Integral handled or -- initially, or
10 is it something that Anchor QEA handled?

11 A. This would have been Integral's work.

12 Q. And who at Integral would have been involved in
13 the Site-Specific Unmixing Analysis?

14 A. Dreas Nielsen and Mihai Aldea.

15 Q. And again, do you know what Mr. Nielsen's
16 background is; first of all, his educational degrees?

17 A. I don't know his educational degrees.

18 Q. And Ms. Aldea, do you know what her educational
19 degrees are?

20 A. I do not know Dr. Aldea's degrees specifically.
21 I do know that Dreas Nielsen has been a consultant for
22 more than 25 years.

23 Q. And did you work with him on the Site-Specific
24 Unmixing Analysis?

25 A. I did work with him on it, yes.

1 Q. It says that "This method has been used in the
2 literature." I'm looking down halfway through the
3 paragraph on 6-51 page, Section 6.2.3.2.

4 A. I see it.

5 Q. It says, "This method has been used in the
6 literature," and it cites to Jimenez from 1998 and EPA
7 in 2003, "In the documentation and description of common
8 dioxin sources in the United States."

9 What other authorities, or were there any
10 other authorities cited for the use of the unmixing
11 analysis, other than Jimenez and the USEPA 2003?

12 MR. STANFIELD: Objection, form.

13 A. What's cited here are those two references.

14 Q. (BY MR. WOTRING) Are there any other
15 references that support the use of the unmixing analysis
16 contained in Section 6.2.3.2?

17 A. Yes, there are.

18 Q. Where are they?

19 A. Where are the references?

20 Q. Yes.

21 A. They are in another portion of this collection
22 of documents.

23 Q. And what portion of the collection of the
24 documents would that be?

25 A. Integral addressed this method in several

1 documents. I don't remember specifically where we laid
2 that one out. I could look.

3 Q. You could look?

4 A. If you'd like me to review, I could potentially
5 find it.

6 Q. No, I don't. I don't think I want to take the
7 time to do that right now.

8 Okay, the method of the unmixing analysis,
9 has it ever been tested?

10 MR. STANFIELD: Objection, form.

11 A. Has it ever been tested?

12 Q. (BY MR. WOTRING) Yes.

13 A. In what sense?

14 Q. Has anybody ever tested the unmixing analysis
15 that was done as reflected in 6.2.3.2 to determine how
16 reliable and accurate it is?

17 A. The unmixing analysis is a model, and I don't
18 know of any tests of the model.

19 Q. Okay.

20 A. It models the environment that it analyzes, so
21 it represents that environment that it analyzes.

22 Q. How accurately does it represent that
23 environment that it analyzes?

24 A. It constructs a model of that environment.

25 Q. Okay. And how accurate is that model?

1 MR. STANFIELD: Objection, form.

2 A. To assess the accuracy of a model is not
3 something I can do in this context.

4 Q. (BY MR. WOTRING) Okay. Has anybody ever
5 assessed the accuracy of the model reflected in
6 6.2.3.2 --

7 MR. STANFIELD: Objection, form.

8 Q. (BY MR. WOTRING) -- as far as you know?

9 MR. STANFIELD: Objection, form.

10 A. The accuracy of the model with respect to the
11 data is assessed each time we present this analysis in
12 these documents. It's presented elsewhere in these
13 documents.

14 Q. (BY MR. WOTRING) Where?

15 A. Do you mind if I take a moment to look?

16 Q. No.

17 A. Figure 6-27 and 6-28.

18 Q. Okay. So Figure 6-27 is entitled "Comparison
19 of the Dioxin and Furan Congener Pattern of EM1 with
20 Congener Patterns in Sludge or Effluent Samples from
21 Some Local Sources."

22 A. That's right.

23 Q. And then Figure No. 6-28 is "Comparison of the
24 Dioxin and Furan Congener Pattern of EM2 to the Patterns
25 in Samples from Within the 1966 Impoundment Perimeter,"

1 correct?

2 A. That's right. The model is represented by the
3 figure in the top panel on these figures, and it's
4 compared to empirical data from the same region that
5 it's anticipated to represent.

6 Q. So what Figure 6-27 reflects is the unmixing
7 EM1, which is a modeled source, background source of
8 dioxin in the environment?

9 A. EM1 is a representation of the data. It's a
10 model of -- it's an endmember in a model of multivariate
11 data.

12 Q. Okay. And I'm comparing that to the dioxin
13 congener pattern from, say, sludge taken from Equistar,
14 from Lyondell, and from Baytown West District?

15 A. That's correct. These figures that are -- the
16 three panels below the panel showing Endmember 1 are
17 empirical data developed by TCEQ as part of their TMDL
18 program.

19 The Baytown West District is -- has
20 effluent that discharges directly to the area within
21 preliminary site perimeter. The other two are sludge
22 samples from upstream of the site.

23 And what this illustrates is that
24 Endmember 1 fairly accurately represents the congener
25 pattern in those sources, suggesting that the data on

1 the site is reflective of these sources.

2 Q. Okay. Has any, or are you aware of there being
3 any peer-review approval of the unmixing analysis that
4 is reflected in Paragraph 6.2.3.2?

5 A. I believe that the document containing the more
6 lengthy description of the peer-reviewed literature
7 supporting the unmixing analysis is an appendix to the
8 Soil Sampling and Analysis Plan, but I can't be certain
9 without looking. I'm sure you can find other references
10 there.

11 Q. So can we say, or can we offer any sort of
12 qualitative analysis of how accurate the model reflected
13 on 6.2.3.2 is? Is it 95 percentage accurate? Is it
14 50 percent --

15 A. These two -- there are expressions of accuracy
16 in some tables. I can look for that for you if you'd
17 like.

18 Q. Yes.

19 A. But these figures we just discussed are
20 qualitative analysis of the accuracy of the model. So
21 it compares the modeled environment to the actual
22 environment and finds good correspondence. We did do an
23 uncertainty analysis. Whether that appeared in this
24 document or not, I'm not sure.

25 Q. I think there is some uncertainty analysis

1 later in the document. What I want to know is would you
2 say that --

3 A. Well, actually, sir, if you don't mind, that
4 uncertainty analysis is reflected on Table 6-64.

5 Q. Okay. And my question is would you say that
6 the Site-Specific Unmixing Analysis that is referenced
7 here in 6.2.3.2, is it the same method that was used in
8 the Jimenez 1998 article and the USEPA 2003 reference?

9 A. I can't say that without seeing these
10 references firsthand.

11 Q. And where would the quantitative cite to the
12 accuracy of the unmixing analysis be?

13 A. That would be Table 6-63.

14 Q. I have a Table 6.5 -- oh, I'm sorry, I'm
15 looking at figures.

16 A. There's also a Quantitative Uncertainty
17 Analysis in its entirety presented in Appendix F.

18 Q. So 6-63 is a correlation of statistics between
19 catfish --

20 A. I'm sorry, forgive me. 6-64 is the table that
21 shows the results of the uncertainty analysis.

22 Q. Okay. So Table 6-64 is the "Fractional
23 Contribution of Each Member to Each Sediment Sample and
24 to Soil Samples North of I-10."

25 A. Yes, and if you look at that table, you'll see

1 there are three columns. One represents the fraction of
2 Endmember 1 estimated to be present in each sample, and
3 estimated uncertainty bounds around each one of those
4 estimates, and then the third column which says
5 "Residual" also is an expression of uncertainty.

6 Q. Okay. Prior to doing this unmixing analysis,
7 had you ever been a project manager on any site
8 performing any similar type of unmixing?

9 MR. STANFIELD: Objection, form.

10 A. Not that I can remember.

11 Q. (BY MR. WOTRING) Okay. How about Dr. Aldea?
12 Had Dr. Aldea done any similar site unmixing analysis
13 previously?

14 A. Yes, he did.

15 MR. DODSON: Objection, form to that last
16 question.

17 Q. (BY MR. WOTRING) And what site did Dr. Aldea
18 work on where a similar type of unmixing analysis was
19 performed?

20 MR. STANFIELD: Objection, form. And I
21 will reiterate my instruction to you. To the extent
22 that you might try to refer to a prior International
23 Paper site, I will instruct you not to refer to that
24 other work.

25 Q. (BY MR. WOTRING) Can you answer that question

1 consistent with instructions from Counsel?

2 A. I can answer the question consistent with
3 instructions from Counsel, but I am concerned about
4 speaking about other projects that may be protected by
5 confidentiality agreements between Integral and other
6 clients.

7 Q. Okay. So are you going to agree to answer my
8 question about what other sites Dr. Aldea performed a
9 similar unmixing analysis on?

10 A. No.

11 MR. WOTRING: Well, let the record note my
12 disagreement.

13 Q. (BY MR. WOTRING) Now, would the data used for
14 the site-specific unmixing analysis, would that have
15 included the data prior for 2005 and previously?

16 A. I'll need to look at the discussion. Do you
17 want me to do that?

18 Q. Yes, please look at the discussion. And in the
19 discussion section of Exhibit No. 249? Is that what we
20 are talking about?

21 A. Yes.

22 Q. Okay. Without -- without -- I'll give you an
23 opportunity to do that, but look at the first sentence
24 on 6.2.3.2, and it says that "An unmixing analysis was
25 carried out using data for seventeen 2,3,7,8-substituted

1 dioxin and furan congeners in all sediment samples
2 collected within and around the Site since 2009."

3 A. I see the sentence.

4 Q. Does that answer the question about whether the
5 data that was used in the unmixing analysis included the
6 data from 2005 and before?

7 A. That's right, it does answer that question.

8 Q. And how does it answer the question?

9 A. It says that data collected from the site since
10 2009 were used in this analysis.

11 Q. So the Site-Specific Unmixing Analysis
12 contained on Page 6-51 and Section 6.2.3.2 does not
13 include data from 2005 and previous.

14 A. That's correct.

15 Q. Okay. It might be a good place to take a
16 break.

17 THE VIDEOGRAPHER: It's now 3:31. We're
18 off the record.

19 (Recess from 3:31 to 3:39)

20 THE VIDEOGRAPHER: It's now 3:39. We're
21 back on the record.

22 Q. (BY MR. WOTRING) Ma'am, if I could draw your
23 attention back to Figures 6.27 and 6.28.

24 A. Okay, I see those figures.

25 Q. And those were prepared using the data that was

1 used for the unmixing analysis?

2 A. There are two samples here, or three, that were
3 in the unmixing analysis based on the criteria we
4 discussed before.

5 Q. I'm sorry, there's a problem with that
6 question. The Equistar sludge, Lyondell sludge, and
7 Baytown West sludge are not -- are a separate discussion
8 than the previous 2005 site data that we've discussed,
9 right?

10 A. That's right, these data are not from the site.

11 Q. And when was the data from Equistar, Lyondell,
12 and Baytown taken?

13 A. I don't know specifically for the TMDL program
14 conducted by TCEQ.

15 Q. Okay. I think that might be all for
16 Exhibit 249, the Preliminary Site Characterization
17 Report. And If I could ask you to look at Exhibit
18 No. 390, this is the COPC Technical Memorandum, and
19 Page 6 on this talks about -- let me let you catch up.

20 A. I'm on Page 6.

21 Q. Okay. That's where, in Section 3, there's a
22 section entitled "Comparison of Dioxins and Furans in
23 Sediment: 2005 vs. 2010."

24 A. Yes.

25 Q. All right. And that's where -- that's where

1 the analysis behind the exclusion of the 2005 and
2 previous data is contained.

3 A. That's where the analysis that led us to
4 conclude that data from 2005 and previously were not
5 appropriate for the baseline dataset where it is
6 discussed. Those data were not excluded. They were not
7 put into the baseline dataset.

8 Q. Now, who at Integral worked on the analysis
9 contained in Section 3?

10 MR. STANFIELD: Objection, form.

11 A. Mihai Aldea and Dreas Nielsen and myself.

12 Q. (BY MR. WOTRING) How many times had any of
13 those three people, you and Dr. Aldea and Mr. Nielsen
14 performed an area weighting and data conversion as
15 described in 3.1.2?

16 A. How many times had we done that?

17 Q. Yes.

18 A. In what context?

19 Q. In the context involved in looking at dioxin
20 contamination in river sediments.

21 A. If you could rephrase the question, I'm not
22 sure I understand.

23 MR. WOTRING: Can you read that back and
24 I'll try.

25 (The record was read as requested.)

1 Q. (BY MR. WOTRING) Let me ask for you
2 specifically now, how many times have you done an area
3 weighting and data conversion in a site involving dioxin
4 and contaminated river sediments?

5 A. Once.

6 Q. One site in addition to the site underlying
7 this lawsuit, the San Jacinto River waste pits, or is --

8 A. This -- no, this one site.

9 Q. Okay. How about Dr. Aldea? How many times had
10 she done an analysis reflected in area weighting and
11 data conversion on Section 3.1.2?

12 MR. DODSON: Objection, form.

13 A. Dr. Aldea is a man.

14 Q. (BY MR. WOTRING) Oh, I'm sorry.

15 A. And I don't know the answer to that.

16 Q. Okay. How about Mr. Nielsen? How many times
17 had Mr. Nielsen done a comparison contained on 3.1.2?

18 MR. STANFIELD: Objection, form.

19 A. I don't know the answer to that.

20 Q. (BY MR. WOTRING) Well, what training did you
21 or Dr. Aldea or Nielsen have in conducting the area
22 weighting and data conversion reflected on 3.1.2?

23 MR. DODSON: Objection, form.

24 MR. STANFIELD: Objection, form.

25 A. This conversion is simple algebra, so we had

1 training in school. We used different weighting in
2 various calculations all the time.

3 Q. (BY MR. WOTRING) Okay. And so is it your
4 statement that the math reflected on 3.1.2 is simple
5 algebra?

6 A. Yes.

7 Q. Okay. Had you had any specific -- any of the
8 three of you had any specific training in performing
9 area weighting and data conversion for dioxin and
10 river -- dioxin-containing contaminated river sediment?

11 A. As I said previously, I don't know whether the
12 others had had specific training in that area.

13 Q. Had you?

14 A. No.

15 Q. Okay. If I could turn your attention to
16 Page 9, the "Results and Discussion" section, so you
17 might want to take a minute to review that.

18 A. The entire section?

19 Q. Yes, ma'am.

20 A. Counselor, I've read the section, and I would
21 like to note that the figures and Appendix B which are
22 associated with this analysis are not included in the
23 exhibit.

24 Q. Okay. On Page 9, the second paragraph that
25 says "Overall."

1 A. Uh-huh (affirmative).

2 Q. It says, "Overall, there was a decrease in
3 dioxin and furan concentrations consistent across all
4 congeners, as evidenced by the comparison of the SWAC
5 values for each congener for the 2005 and 2010 surface
6 sediment data," right?

7 A. That's what this statement says, yes.

8 Q. And the next statement says, "Concentrations of
9 the various congeners decreased by a factor of 2 to 10
10 between 2005 and 2010," correct?

11 A. That's what the statement says, yes.

12 Q. Do you agree with those two sentences?

13 A. I would need to examine Table 3.

14 Q. Do you have it in front of you?

15 A. I do. I agree with the first sentence. As for
16 calculating a factor of 2 to 10 for each of those
17 comparisons, I'm not able to do that with the tools I
18 have at hand.

19 Q. Okay. And to be clear, the fact that the
20 sentence stating, "Concentrations of the various
21 congeners decreased by a factor of 2 to 10 between 2005
22 and 2010," the fact that sentence is contained in this
23 report, which lists Integral is preparing it, does not
24 mean that you necessarily agree with that statement,
25 correct?

1 A. I don't understand the question.

2 Q. The fact that the sentence that we're looking
3 at is contained in a report that says it was prepared by
4 Integral does not mean that you, as the project manager
5 for Integral, necessarily agree with the sentence.

6 A. The fact of a sentence being present in an
7 Integral report does not mean that I agree with it?

8 Q. That's the question, specifically for this
9 sentence.

10 MR. STANFIELD: Objection, form.

11 A. I don't understand the question.

12 Q. (BY MR. WOTRING) Just because a sentence is
13 contained in a report that Integral prepared doesn't
14 mean that you as the project manager agree with that
15 sentence. We'd have to know more, right?

16 A. We would. However, I just independently
17 verified the statement by reviewing Table 3, and I agree
18 with the sentence.

19 Q. And then if you look at the bottom of that
20 paragraph, it says, "All congeners and their total show
21 lower values for 2010 than for 2005 across the entire
22 range of concentrations." That sentence is in this
23 report, correct?

24 A. Yes.

25 Q. Now, do you agree with that sentence?

1 A. Insofar as that sentence refers to Table 3,
2 yes.

3 Q. And were you or anybody at -- anybody, as far
4 as you're aware, able to determine when the change in
5 conditions took place that we talked about earlier
6 between 2005 and 2010?

7 MR. STANFIELD: Objection, form.

8 A. We did not pursue that question. We did not
9 analyze that question.

10 Q. (BY MR. WOTRING) And why didn't you analyze
11 that question? Because the historic cause of a change
12 in sediment concentrations of dioxin was not necessary
13 for your work on the site?

14 MR. STANFIELD: Objection, form.

15 A. The task being executed in this section
16 pertains to selection of the baseline dataset for the
17 purposes of the RI. We didn't expand the range of
18 questions beyond that question in this analysis.

19 Q. (BY MR. WOTRING) Well, let me ask you this.
20 For example, did Integral or Anchor, as far as you know,
21 examine whether there had been a significant storm event
22 that took place in or around the site that could have
23 caused the change in conditions?

24 A. I do not know of any such examination.

25 Q. And so -- all right. If you would have used

1 the data prior to 2005 in the unmixing analysis, would
2 you have expected the results to be different than the
3 results that you achieved?

4 MR. DODSON: Objection, form.

5 MR. STANFIELD: Objection, form.

6 A. That's a hypothetical question, and I would not
7 like to speculate.

8 Q. (BY MR. WOTRING) Okay. So knowing that the
9 2005 data reflected concentrations of the various
10 congeners decreased -- dioxin congeners decreasing by a
11 factor of 2 to 10 between 2005 and 2010, knowing that
12 fact and the other facts contained in Section 3.2,
13 "Results and Discussions," you can't formulate an answer
14 on whether the results of your unmixing analysis would
15 have been different if that data had been included?

16 MR. STANFIELD: Objection, form.

17 A. Although that is hypothetical, I would
18 speculate that it wouldn't change the results of the
19 unmixing.

20 Q. (BY MR. WOTRING) And why would you suspect
21 that?

22 A. The data that were collected 2005 and prior
23 don't differ substantially from the data that were
24 collected in 2010 and later, to my knowledge. They
25 reflect similar conditions.

1 Q. Okay. Did you ever, or anybody at Anchor ever
2 propose to the EPA that two sets of analysis be done,
3 one using the 2005 and previous data and one not using
4 the 2005 and previous data?

5 MR. STANFIELD: Objection, form.

6 A. I can only speak to what is articulated in
7 these reports and not activities that happened outside
8 of the reports.

9 Q. (BY MR. WOTRING) Well, are you saying that you
10 have no memory of your work on this site that's not
11 contained in the report?

12 MR. STANFIELD: Objection, form.

13 A. I'm not saying I don't have any memory of it.

14 Q. (BY MR. WOTRING) All right. Then let me ask
15 you again, did you or anybody else that you know propose
16 to the EPA that two sets of unmixing analysis be done,
17 one using the 2005 and previous data and one just using
18 the data that was eventually used for the unmixing
19 analysis?

20 A. I don't believe we ever proposed that to EPA.

21 Q. Let me ask you to look at the conclusion on
22 Page 10 in Section 3.3.

23 A. I'd like to take a moment to read it.

24 Q. Okay.

25 A. I've reviewed Section 3.3.

1 Q. And my question is, if you will look at the
2 sentence saying "Using the same rationale."

3 A. Yes.

4 Q. Do you agree with that sentence?

5 A. Yes.

6 Q. Okay. If I can draw your attention to the
7 Baseline Human Health Risk Assessment, which is Exhibit
8 No. 268. I have Volume II here, I think, but I don't
9 have copies for everybody.

10 A. I have Exhibit 268.

11 Q. Okay. Let me know if you need Volume II to
12 answer any of these questions.

13 A. Okay.

14 Q. Were there any other volumes, or is it just --

15 A. No, there are only two.

16 Q. Only two. Well, here, I will give you -- here
17 is Volume II. I'm not going to make it an exhibit,
18 unless somebody else wants to make it an exhibit.

19 A. Thank you.

20 Q. All right. Now, this has previously been
21 marked as Exhibit 268, and if you will turn to Page 2,
22 it reflects that it was prepared by Integral Consulting
23 alone, not Anchor.

24 MR. STANFIELD: 268?

25 A. On the second page, yes.

1 Q. (BY MR. WOTRING) Yes. Do you see where I'm
2 looking at?

3 A. I do.

4 Q. And is that because Integral took the
5 primarily -- primary role in finalizing the Baseline
6 Human Health and Risk Assessment?

7 A. Yes.

8 Q. Again, would Dr. Aldea and Mr. Nielsen have
9 worked on this?

10 A. They may have been consulted on this, but this
11 was primarily executed by other folks.

12 Q. All right. Well, who at Integral worked on the
13 Baseline Human Health and Risk Assessment?

14 A. Well, Ann Bradley, Ellen Ebert, and Joanna
15 Shoenfelt.

16 Q. And how would you describe your role in working
17 on the Baseline Human Health Risk Assessment?

18 A. My role was to work with them to ensure that
19 the analysis reflected agreements between Integral,
20 Anchor QEA, respondents, and EPA, TCEQ regarding the
21 scope. I worked with them to ensure that the proper
22 quality assurance checks were conducted, that they
23 understood the schedule, and that the document was
24 complete with respect to the requirements of the UAO and
25 related guidance.

1 Q. If I wanted to learn more about the
2 qualifications of Bradley, Ebert, or Shoenfelt, would
3 that information be contained on the Integral website
4 similar to the first exhibit we talked about today?

5 A. Ellen Ebert's qualifications are there. I
6 don't know whether Ann's are.

7 Q. How about --

8 A. Joanna's are not.

9 Q. And why are Joanna's not?

10 A. She's a junior staffer.

11 Q. And I'm sorry if this is repetitious, it won't
12 be long, but are Bradley, Ebert, or Shoenfelt, are any
13 of them medical doctors?

14 A. No.

15 Q. Are they either -- are they epidemiologists or
16 toxicologists?

17 A. They are toxicologists. I don't think they are
18 epidemiologists.

19 Q. Had they ever done a Baseline Human Health and
20 Risk Assessment involving the risks posed by exposure to
21 dioxin?

22 MR. STANFIELD: Objection, form.

23 A. Yes.

24 Q. (BY MR. WOTRING) On what other sites had they
25 worked on where they had performed a Baseline Human

1 Health and Risk Assessment?

2 MR. DODSON: Objection, form.

3 MR. STANFIELD: The same instructions as
4 before.

5 Q. (BY MR. WOTRING) Can you answer that question
6 without violating the instructions from Counsel?

7 A. Yes, I can. I don't know.

8 Q. And you said respondents. Respondents in this
9 context means McGinnes Industrial Maintenance
10 Corporation and International Paper Company?

11 A. Yes.

12 Q. Now, if I can ask you to look at 1.2, "Baseline
13 Conditions"?

14 A. Section 1.2?

15 Q. It is both Page and Section 1.2.

16 A. Okay. I see the section.

17 Q. Okay. And it's talking about the baseline
18 conditions, and it says that "Baseline specifically
19 means environmental conditions that existed immediately
20 prior to implementation of the time-critical removal
21 action," right?

22 A. Yes, it does say that.

23 Q. Okay. But baseline is also going to be
24 qualified by the data that was -- I don't want to use
25 the word "excluded," but not included in some of the

1 analysis as reflected in the COPC Technical Memorandum,
2 correct?

3 A. Yes.

4 Q. And then you say -- well, looking down in the
5 paragraph, there's this statement that says, "There is
6 no basis for assuming that baseline represents
7 conditions that existed at any time earlier than
8 immediately prior to the TCRA, or that baseline
9 conditions would have continued to exist had the TCRA
10 not been implemented."

11 A. I see the sentence.

12 Q. Okay. Do you agree with that sentence?

13 A. Yes.

14 Q. If you would look at 1.3, "Overview of the
15 Approach," also on Page 1.3.

16 A. Yes.

17 Q. Was your role, did it include review of this
18 document to assure that the guidance was followed as the
19 guidance listed in this section?

20 A. To some extent. As you know, I'm not an expert
21 in human health risk assessment. I rely on the
22 leadership in that group to perform those comparisons
23 and ensure compliance with this guidance.

24 Q. Look at Page 1.6, or 1-6, the human health --
25 "Health Effects Evaluated."

1 A. Yes.

2 Q. It's talking about the HI?

3 A. Yes.

4 Q. Which is the Hazard Index?

5 A. Where does it talk about the HI in that
6 section?

7 Q. I'm looking at the bottom of the page.

8 A. The second bullet? I see it.

9 Q. Yeah, the noncancer hazards.

10 A. Uh-huh (affirmative).

11 Q. It says -- the last sentence says, "Unlike
12 estimated cancer risks, the total HI is not a measure of
13 probability, but instead a measure of the likelihood and
14 degree to which an adverse health effect might occur
15 within the population evaluated."

16 A. I see the sentence.

17 Q. How does HI measure the likelihood to which an
18 adverse health effect might occur?

19 MR. STANFIELD: Objection, form.

20 Q. (BY MR. WOTRING) And I can give you some more
21 background in it. It might very well be a stupid, an
22 unanswerable question. But later in the document it
23 talks about an HI needing to be over one to be, I don't
24 know, significant. And then at other points, it talks
25 about HIs from certain scenarios being 60.

1 Do you -- if you go from an HI of one to
2 an HI of two, are you talking about twice as likely to
3 have an adverse health effect?

4 MR. STANFIELD: Objection, form.

5 A. Although I'm not an expert in human health risk
6 assessment, I believe this is misstated. The Hazard
7 Index is not a statement of likelihood.

8 Q. (BY MR. WOTRING) I see. Is it a statement of
9 the degree to which an adverse health effect might
10 occur?

11 A. Yes, in the population evaluated using
12 hypothetical exposure scenarios.

13 Q. And the degree means degree of adverse health
14 effect or chance of having the adverse health effect?

15 MR. STANFIELD: Objection, form.

16 A. Given my limited expertise in Human Health Risk
17 Assessment, I'd prefer not to render an opinion on that.

18 Q. (BY MR. WOTRING) Okay. And who at Integral
19 would you refer questions about how we interpret what an
20 HI means?

21 A. Ellen Ebert.

22 Q. If you can look at Page 1-7 of the 1.3.4,
23 "Tiered Approach for Risk Characterization"?

24 A. Yes.

25 Q. It talks about in (1) "The cumulative estimated

1 exposure from all pathways resulted in an incremental
2 cancer risk greater than one in 10,000." And do you
3 know why one in 10,000 was selected in No. 1?

4 A. No. 1 is a reflection of the sentence leading
5 to those bullets, which reads, "When the deterministic
6 evaluation indicated that one or more of the following
7 threshold criteria were met, additional evaluations to
8 further characterize and refine the potential risks
9 and/or hazards were conducted for that scenario:" and
10 then it lists the additional analyses.

11 Q. Yes.

12 A. The reason -- I do know the reason that one in
13 10,000 was given.

14 Q. Can you tell me what that reason is?

15 A. As a matter of human health practice, human
16 health risk assessment practice at CERCLA sites, the
17 excess cancer risk range considered not unacceptable to
18 EPA is one in a million to one in 10,000.

19 Q. An excess cancer of one in 10,000 to an excess
20 cancer in one in a million?

21 A. That's right. That defines a range not
22 considered unacceptable by EPA.

23 Q. Okay. Does EPA offer any further guidance that
24 you are aware of for a site like this site about whether
25 it's one in 10,000, one in 50,000, one in 100,000, or

1 one in a million?

2 MR. STANFIELD: Objection, form.

3 A. I don't believe that they do. I don't know.

4 Q. (BY MR. WOTRING) Are you aware of any EPA
5 guidance document that provides specific information on
6 what they think an appropriate incremental cancer risk
7 is?

8 A. I am not.

9 Q. If I could turn your attention to 2-1 and also
10 2.1, "Site Setting," I'm going to ask you a question
11 about the first two paragraphs.

12 A. I see the page.

13 Q. Okay. My question is the paragraph saying,
14 starting "The northern impoundments consist of two
15 impoundments, together occupying approximately 14 acres,
16 and are located on a 20-acre parcel north of the I-10
17 Bridge on the western bank of the San Jacinto River."
18 Do you agree with that statement?

19 MR. DODSON: Objection, form.

20 A. Sitting here today, I don't have any reason to
21 agree or disagree with that statement.

22 Q. (BY MR. WOTRING) So at this point in time in
23 May of 2013, you and Integral had been working on this
24 site since November of 2009; is that correct?

25 A. That's correct.

1 Q. And you still don't have an opinion, as you sit
2 here today at your deposition in 2014, about how many
3 impoundments are located in the northern impoundments at
4 the site.

5 A. That's correct.

6 MR. DODSON: Objection, form.

7 MR. STANFIELD: Objection, form.

8 Q. (BY MR. WOTRING) Your answer was "That's
9 correct"?

10 A. That is correct.

11 Q. If you would look at "Demographics" on 2.2,
12 also on Page 2.2.

13 A. I see the section.

14 Q. There's a discussion about the site
15 demographics, and I'm curious about why that is included
16 in the Baseline Human Health and Risk Assessment.

17 A. I believe demographics are --

18 MR. DODSON: Don't speculate.

19 A. Okay.

20 MR. DODSON: If you have a basis for your
21 answer, provide it.

22 A. I do recall that EPA was interested in this
23 information.

24 Q. (BY MR. WOTRING) Okay. So you think the
25 information contained in "Demographics" was -- would you

1 say it was requested by EPA, or do you know one way or
2 another?

3 A. I believe it was requested by EPA.

4 Q. And do you know why they requested it?

5 A. No, I don't know why.

6 Q. If I can draw your attention to the section
7 titled 2.3.1.

8 A. I see the section.

9 Q. Oh, let me go ahead and move on to Section
10 2.3.1.1, "Fishers."

11 A. Yes.

12 Q. Okay. And I think we've touched upon this.
13 Anchor or Integral did not go out and conduct any sort
14 of survey or other investigation about the actual use of
15 the site for fishing; is that correct?

16 MR. STANFIELD: Objection, form.

17 A. Integral did not conduct any such survey.

18 Q. (BY MR. WOTRING) And are you aware of Anchor
19 QEA performing any such survey?

20 A. I am not aware of any such survey.

21 Q. Turning to Page 4-3 and 4.3, "Cancer Effects."

22 A. I see the section.

23 Q. Okay. The section, the question I want to ask
24 is about the last sentence on that paragraph. "Under
25 USEPA's standard default risk assessment procedure,

1 estimates of carcinogenic potency reflect the
2 conservative assumption that there is no threshold dose
3 for carcinogenic effects; that is, there is no entirely
4 'safe' dose and exposure to any amount of the chemical
5 will contribute to an individual's overall risk of
6 developing cancer during a lifetime." Do you see that
7 sentence?

8 A. I do see the sentence.

9 Q. Was anybody at Integral qualified to offer an
10 opinion about whether that's a correct statement?

11 A. Yes.

12 MR. DODSON: Objection to form to that
13 last question.

14 Q. (BY MR. WOTRING) Who?

15 A. Ellen Ebert, Ann Bradley, and Russ Keenan.

16 Q. Was Exhibit No. 268 provided to respondents
17 prior to being circulated to EPA?

18 A. Yes.

19 Q. And did respondents have comments and edits to
20 Exhibit No. 268?

21 MR. STANFIELD: Don't answer that
22 question.

23 Q. (BY MR. WOTRING) If we could turn to Page 5-3,
24 and it talks about Beach Area A, and Beach Area B and C,
25 and Beach Area D, and Beach Area E.

1 A. I see that section.

2 Q. Do you know whether there is a map reflecting
3 what each of the -- where each of those beach areas are?

4 A. It looks like the section references Figures
5 5-1 and 5-2.

6 Q. Oh, I'm with you. So that's reflected on 5-1,
7 and did you also say 5-2?

8 A. No, the question of beach areas is addressed in
9 Figure 5-1.

10 Q. Okay. What is Figure 5-2 showing? Can you see
11 on the copy you have?

12 A. "Exposure Units for Fish and Shellfish Tissue."

13 Q. So Beach Area E looks like -- well, let me put
14 this up here and see. So this is 5-1. This is 5-1,
15 which is entitled "Exposure Units for Sediment Area
16 North of I-10 and Aquatic Environmental Baseline," and
17 it's got the Baseline Human Health Risk Assessment,
18 right?

19 A. Yes.

20 Q. Do you know if this was prepared by Integral?

21 A. The map was prepared by Integral.

22 Q. Okay. And then we have the areas that are
23 talked about in the Baseline Human Health and Risk
24 Assessment. Let me walk through those. So am I correct
25 in thinking that this one is Beach Area A?

1 A. Yes.

2 Q. And then Beach Area B is here?

3 A. That's Beach Area B/C.

4 Q. Beach Area B/C. And then Beach Area E is right
5 here, right?

6 A. Yes.

7 Q. And then Beach Area D is down here; is that
8 correct?

9 A. Yes.

10 Q. Now, am I also correct in thinking that --
11 pardon me -- Beach Area E is -- all right. Beach Area E
12 is contained within that yellow dotted line?

13 A. Yes.

14 Q. And does Beach Area E contain the place where
15 the impoundments were located?

16 A. It does.

17 Q. Thanks.

18 THE VIDEOGRAPHER: Mr. Wotring, when you
19 get to a stopping point, we need to change this disc.

20 MR. WOTRING: Okay. Let's go ahead and
21 change the disc real quick.

22 THE VIDEOGRAPHER: It's now 4:20. This is
23 the end of Disc No. 3. We're off the record.

24 (Recess from 4:20 to 4:32)

25

1 THE VIDEOGRAPHER: It's now 4:32. This is
2 start of Disc No. 4. We're back on the record.

3 Q. (BY MR. WOTRING) If I can direct your
4 attention to Table 5-13 on Exhibit No. 268.

5 A. I see the table.

6 Q. Okay. Do you see the column with RME and CTE?

7 A. Yes.

8 Q. It says $1E-05$. Am I correct in thinking that's
9 one times ten to the fifth?

10 A. Ten to the negative five.

11 Q. Ten to the negative five. 6E is six times --

12 A. Ten to the negative sixth. One one-millionth.

13 Q. Now you have confused me, I'm sorry.

14 A. Oh, I see. The cell 6E?

15 Q. Yes, 6E means six times ten to the negative
16 seventh?

17 A. That's right.

18 Q. All right. So if I go to 3A, "Direct exposure
19 Beach Area E; Ingestion of catfish from FCA2-3," and go
20 over to "Cancer Risk," I get three times ten to the
21 negative sixth. Or two times ten to the negative fifth;
22 is that correct?

23 A. I see that, yes.

24 Q. And then if I go to 3A, the scenario, and it
25 says "Direct exposure Beach Area E; Ingestion of catfish

1 from FCA2-3," you get TEQ cancer HI of one times --
2 well, what is that number there?

3 A. One times ten to the first.

4 Q. Does that mean one-in-ten risk?

5 A. That means one times ten.

6 Q. And the FCA2-3, is that contained on which
7 figure? Where do I find the FCAs?

8 A. That was shown on Figure 5-2.

9 Q. In fact, I'm going to blow that up because I
10 can't see it. Okay, so this is Figure 5-2, exposure
11 units for -- can you read that -- fin and shellfish
12 tissue?

13 A. Fish and shellfish tissue.

14 Q. Fish and shellfish tissue. And then we go
15 to -- let me zoom it out. Okay, where are the different
16 FCAs?

17 A. They're defined by the purple dotted line.
18 You'd have to pull out further to see them.

19 Q. So this is -- oh, okay. I see. So is this
20 area here nearest the pits one FCA?

21 A. Yes.

22 Q. And do you know which FCA it is?

23 A. It's FCA2.

24 Q. FCA2. And is this FCA1 that I'm indicating
25 here?

1 A. That's FCA3.

2 Q. All right. And then let me just ask you, what
3 is this FCA down here?

4 A. That's FCA1.

5 Q. So go back to 5-13. If we can go back to
6 Table 5-15.

7 A. Yes, I have the table.

8 Q. Okay. And do you see the 3A, "Direct Exposure
9 Beach Area E; Ingestion of catfish from FCA2-3"?

10 A. Yes, I see that.

11 Q. Why are the FCAs 2 and 3 combined in this
12 table?

13 MR. STANFIELD: Objection, form.

14 A. A statistical analysis determined that the
15 concentrations were not significantly different, and so
16 the data were aggregated for the purposes of this
17 analysis.

18 Q. (BY MR. WOTRING) So what this shows in
19 Section -- or in 3A, just so I understand how the
20 scenarios work, is direct exposure to Beach Area E and
21 ingestion from catfish from FCA2-3, then we get the
22 noncancer, cancer, and TEQdf cancer risks; is that
23 right?

24 MR. STANFIELD: Objection, form.

25 A. Yes.

1 Q. (BY MR. WOTRING) And am I also correct in
2 thinking that if I'm standing on Beach Area A, I'm on --
3 Area A is the site containing the impoundments or where
4 the impoundments used to be?

5 A. Beach Area E?

6 Q. Yes.

7 A. Yes, Beach Area E as shown on the Figure 5-1.

8 Q. As shown on the figure. Okay. And then
9 ingesting catfish from FCA2-3, that's also the area
10 nearest to the pits.

11 MR. STANFIELD: Objection, form.

12 Q. (BY MR. WOTRING) On north of I-10.

13 MR. STANFIELD: Objection, form.

14 A. Yes.

15 Q. (BY MR. WOTRING) And for that, the TEQdf
16 cancer HI is four times ten?

17 A. For the hypothetical subsistence fisher
18 scenario that's shown in this table.

19 Q. Okay. So it's four times ten, if I'm --

20 A. Yes.

21 Q. Or 40.

22 A. Yes.

23 Q. And the cancer risk is one to the -- ten to the
24 negative fourth, or one over 10,000.

25 A. For the hypothetical subsistence fisher.

1 Q. Yeah, I'm checking my math. One times ten to
2 the negative fourth is one over 10,000, correct?

3 A. That's right.

4 Q. And then if you go to 5-32, which is the end of
5 the section titled 5.2.2.1, "Hypothetical Recreational
6 Fisher," the conclusion says, "No cumulative cancer
7 risks for these scenarios exceeded the 1×10^{-4}
8 threshold."

9 A. I don't see the statement.

10 Q. It's on the top of Page 5-32.

11 A. I see the statement.

12 Q. Okay. And you agree with that statement?

13 MR. STANFIELD: Objection, form.

14 A. I'd need to look again at Table 5-13.

15 Q. (BY MR. WOTRING) Okay.

16 A. The statement is correct.

17 Q. How would I convert a risk of one times ten to
18 the negative fourth to a reflection of ten to the
19 negative sixth? Would I just multiply it by 100?

20 A. I don't understand the question.

21 Q. Yeah.

22 MR. STANFIELD: That's because you're
23 using simple algebra in a room full of lawyers.

24 MR. WOTRING: That's not algebra, I'm
25 afraid. It's just arithmetic, I think.

1 Q. (BY MR. WOTRING) Page 5-62, "Dioxin and Furan
2 Toxicity"?

3 A. I see the page.

4 Q. Okay. The USEPA still requires the nonlinear
5 dose method for assessing cancer risk; is that correct?

6 A. Are you referring to a specific statement?

7 Q. Yes, the last paragraph on Page 5-62.

8 A. Would you like me to review the paragraph?

9 Q. Yes.

10 A. I've reviewed the paragraph.

11 Q. Okay. It says, "USEPA's historical approach
12 has been to assume that the carcinogenic effects of
13 dioxins and furans have no threshold dose, and to use a
14 CSF to evaluate potential cancer risks, assuming that
15 the dose response is linear." Do you agree with that
16 statement?

17 MR. STANFIELD: Objection, form.

18 A. I have not personally analyzed USEPA's
19 historical approach, and so I don't have the basis to
20 agree or disagree with the statement.

21 Q. (BY MR. WOTRING) Do you know if that statement
22 is a statement that came from Integral or is a statement
23 that came from another source?

24 A. All of the statements in these documents are --
25 reflect input from EPA, as well as Integral and possibly

1 Anchor QEA. So it would be hard for me to confirm that
2 one particular sentence was from any particular
3 individual.

4 Q. And similarly, look at the last sentence on
5 that page, it says, "While the scientific consensus
6 during that period has been growing to conclude that a
7 DLC act [sic] via a non-linear dose response, USEPA's
8 most recent report on its reassessment indicates that it
9 has not yet changed its assumption that TCDD acts as a
10 non-threshold carcinogen." Is that a sentence from
11 Integral or from another source or do you know?

12 MR. STANFIELD: Objection, form.

13 A. I can't say for certain.

14 Q. (BY MR. WOTRING) And again, for Exhibit
15 No. 268, the Baseline Human Health and Risk Assessment,
16 the statements contained in it may or may not be
17 statements that originated from Integral, correct?

18 A. That's correct.

19 Q. And they -- the statements contained in Exhibit
20 No. 268, the Baseline Human Health Risk Assessment, may
21 or may not be statements that Integral agrees with,
22 correct?

23 MR. STANFIELD: Objection, form.

24 A. That's correct.

25 Q. (BY MR. WOTRING) If you'd look at Exhibit

1 No. 298, which is the Remedial Investigation Report.

2 And if I can ask you about the table of contents, which
3 is contained on Roman Numeral III through Roman
4 Numeral XI.

5 A. Exhibit 298 consists of Volume I of the RI
6 report.

7 Q. Yes.

8 A. Roman numeral what?

9 Q. The table of contents.

10 A. Uh-huh (affirmative).

11 Q. My question is do you know which of these
12 sections Integral had primary responsibility for the
13 initial drafts of and which Anchor QEA had primary
14 responsibility for?

15 A. Yes.

16 Q. Okay. Which ones did Integral have the primary
17 responsibility for the creation of the initial drafts?

18 A. There may be some that I have uncertainty
19 about.

20 Q. And I'll limit the question to those that
21 you're reasonably certain about.

22 MR. DODSON: Objection, form.

23 Q. (BY MR. WOTRING) If the answer to my question
24 is you don't know, as the project manager for Integral,
25 which ones, which sections in the Remedial Investigation

1 Report Integral had the primary responsibility for the
2 initial drafts and which ones Anchor QEA had
3 responsibility for the initial drafts, and you can't
4 answer that question, that's fine, let me know and I'll
5 move on.

6 A. I'm prepared to answer. Are you prepared to --

7 Q. I'm prepared, yeah.

8 A. Are you ready? Because here I go.

9 Q. Okay.

10 A. Anchor, Section 1.3.

11 Integral, Section 1.5.

12 Integral, Section 1.6.

13 Integral, Section 2.1.

14 Integral, Sections 2.1.2 through 2.1.2.3

15 and 2.1.2.5.

16 Integral, Section 2.1.3.

17 Integral, Section 2.3.

18 Integral, Section 2.4.

19 Integral, Section 2.5.

20 Integral, Section 3.2.

21 Section 3.7 for Integral.

22 Section 3.8.

23 MR. STANFIELD: For?

24 A. Integral. And Anchor for Sections 3.3, 3.4,
25 3.5, 3.6.

1 Integral, Section 4.

2 Integral, Section 5.2, with the exception
3 of Section 5.2.2.

4 Integral, Section 5.4.

5 Integral, Section 5.5.

6 Anchor QEA, Section 5.3.

7 Anchor QEA, Section 5.6.

8 Integral, Sections 5.7.1 through 5.7.3.

9 Anchor QEA, Section 5.7.4.

10 Integral, Section 5.8.

11 Integral, Section 5.9.

12 And Integral, Section 6, with the
13 exception of Section 6.2.2 which was Anchor.

14 Integral, Appendix A.

15 Integral, Appendix B.

16 Integral, Appendix C.

17 Integral, Appendix D.

18 Integral, Appendix F.

19 Integral, Appendix G.

20 Integral, Appendix H.

21 And Anchor QEA, Appendix E.

22 Those that were not attributed to Integral
23 or Anchor were hard to pin down. That's my
24 recollection.

25 Q. (BY MR. WOTRING) Okay. Just to clarify, if

1 you said Integral handled Section 2.1, did it include
2 all of the subsections in 2.1, other than the ones you
3 excepted out?

4 A. Maybe. If I said that, yes. Probably. But
5 if -- I didn't say Section 7 because that was something
6 that EPA and others worked on, reflected --

7 Q. Yeah, I was going to ask you about Section 7.

8 A. That was text that was not originally drafted
9 for this document. It included a lot of input from
10 various people over time.

11 Q. And judging by that answer, am I correct in
12 thinking that Anchor QEA handled the groundwater
13 investigation?

14 A. Yes.

15 Q. The Chemicals of Concern are dioxins, furans,
16 polychlorinated biphenols, and mercury for human health,
17 and dioxins and furans for ecological effects?

18 A. Can you direct me to?

19 Q. I'm looking at 1.9. 1-9. Page 1-9.

20 A. I see the text.

21 Q. Do you agree with that text?

22 A. That text reflects the results of the risk
23 analysis.

24 Q. And do you, as the project manager, agree with
25 the results from the risk analysis?

1 MR. STANFIELD: Objection, form.

2 A. I agree that these were identified as COCs.

3 Q. (BY MR. WOTRING) Do you agree that those were
4 correctly -- would you have -- if you were picking,
5 without having to refer to anybody else, based upon the
6 data and your work on this site, would you have used
7 those Chemicals of Concern reflected on 1-9 of Exhibit
8 No. 298?

9 MR. STANFIELD: Objection, form.

10 A. That sounds hypothetical. Could you rephrase
11 the question?

12 Q. (BY MR. WOTRING) My question is, as the
13 project manager for Integral, do you agree that the
14 Chemicals of Concern for the site should be dioxins and
15 furans, polychlorinated biphenols, and mercury for human
16 health concerns, and dioxin and furans for ecological
17 concerns?

18 MR. DODSON: Objection to form.

19 A. I agree that these were the COCs identified by
20 the risk assessments.

21 Q. (BY MR. WOTRING) Okay. And do you agree that
22 they were the appropriate COCs identified by the risk
23 assessments?

24 MR. STANFIELD: Objection, form.

25 A. To judge their appropriateness, it's necessary

1 to understand the CERCLA context.

2 Q. (BY MR. WOTRING) Do you understand the CERCLA
3 context?

4 A. I do.

5 Q. Okay. And understanding the CERCLA context, do
6 you agree with these selected COCs identified on Page
7 1-9?

8 A. I agree that these were the COCs that were
9 selected by the risk assessment process for this site.

10 Q. Do you think there's any other chemicals that
11 should have been investigated more further as a result
12 of any releases or waste emanating from the impoundments
13 at the site?

14 MR. DODSON: Objection, form.

15 MR. STANFIELD: I would join in that
16 objection.

17 MR. DODSON: Assumes facts.

18 A. No.

19 Q. (BY MR. WOTRING) If I can direct your
20 attention to 3-5, which is 3.2, "Climate."

21 A. Page 3-5?

22 Q. Yeah, and Section 3.2, "Climate."

23 A. I see the section.

24 Q. Okay. And that, I think, is a section that you
25 identified that Integral had primary responsibility for

1 the original draft. Am I correct?

2 A. As far as I can recollect at this moment.

3 Q. Okay. Do you agree that the average annual
4 precipitation is 54 inches as reflected in the second
5 sentence on this section?

6 A. I can't know that sitting here and verify it.

7 Q. And if you would look at -- well, go ahead and
8 read the rest of this section. I have got a couple of
9 questions about the last paragraph.

10 MR. STANFIELD: The average temperature in
11 July is only 85 degrees? That does not match my
12 experience.

13 A. I've read this section.

14 Q. (BY MR. WOTRING) Okay, the last couple of
15 sentences in this section talk about different
16 hurricanes and storms that affected the Houston area.

17 A. I see that.

18 Q. All right. And I think, understanding your
19 previous answers, you're not aware of any investigation
20 or analysis to determine whether those storm events
21 caused the change in conditions that is reflected in the
22 difference in the data between 2005 and previous and the
23 data collected after that date?

24 A. That's right, I'm not aware of any analysis to
25 look at that.

1 Q. Now, if we can go on to the figures, I have a
2 question about a couple of the figures. Can I ask you
3 about Figure No. 1-2?

4 A. I see this figure.

5 Q. And do you know if Integral or Anchor or do you
6 know who created Figure 1-2?

7 A. Anchor QEA created it.

8 Q. And let me see if I'm understanding correctly.
9 Have you seen this before?

10 A. I have.

11 Q. All right. And the legend says down here, the
12 legend on 1-2 says that it gives a shaded area for the
13 approximate TCRA footprint.

14 A. Yes.

15 Q. Okay. And then the dotted line is the original
16 1966 perimeter of the impoundments north of I-10,
17 correct?

18 A. I see that, yes.

19 Q. All right. And then, so if I'm reading this
20 correctly, this shaded area here where I'm indicating
21 with my pen on the video, is that where the TCRA cap is
22 placed, approximately?

23 A. To my knowledge, that's the approximate TCRA
24 footprint.

25 Q. Okay. And then the original impoundments, at

1 least according to Figure 1-2, extended out along this
2 dotted area, again which I'm tracing on the videotape?

3 A. That's how I would interpret the legend, yes.

4 Q. And do you have the red lines indicated here
5 and here, and do you under -- it says it's the central
6 berm for, I'm assuming, the difference between the
7 western and eastern cell. Is that how you read that?

8 A. That's what I see as well.

9 Q. Do you know what this red line down here
10 reflects?

11 A. I do not.

12 Q. I have a few final questions. And have you
13 reviewed any of the expert reports produced by any of
14 the parties in this case?

15 MR. STANFIELD: I will let you answer
16 that.

17 A. I have reviewed expert reports by Harris County
18 experts.

19 Q. (BY MR. WOTRING) Okay. And which expert
20 reports have you reviewed?

21 MR. STANFIELD: I'll direct you not to
22 answer that.

23 Q. (BY MR. WOTRING) Ah, okay. Is it your
24 under -- or do you have an understanding about whether
25 you are going to be called as a testifying expert at the

1 trial of this matter?

2 MR. STANFIELD: I can answer that question
3 for you, Counselor, but I will let the witness answer
4 because she is under deposition. If you have an
5 understanding, you can say yes or no as to whether you
6 will be called as a testifying expert.

7 A. Yes, I understand.

8 Q. (BY MR. WOTRING) And what is your
9 understanding?

10 A. That I will --

11 MR. DODSON: Well, wait.

12 MR. STANFIELD: I only want you to answer
13 yes or not.

14 MR. DODSON: Her understanding would come
15 from counsel; therefore, it's privileged.

16 MR. WOTRING: Well --

17 MR. DODSON: Let the record reflect she
18 has not been designated as a testifying expert in this
19 case.

20 MR. WOTRING: Ah, okay.

21 MR. STANFIELD: I was going to let her
22 answer. She knows she hasn't been designated.

23 MR. BALLARD: We don't want to unwittingly
24 waive the privilege.

25 MR. STANFIELD: Earnest would never, never

1 assert that as a gentleman and a scholar.

2 MR. WOTRING: Earnest is busily occupied
3 with the remaining questions he has. Hang on just a
4 second. One more exhibit. Maybe more than one.

5 Q. (BY MR. WOTRING) Let me show you Exhibit
6 No. 117. Exhibit No. 117 is the HRS Documentation
7 Record for the San Jacinto Waste Pits, and my question
8 is have you ever seen a copy of this before?

9 A. Yes.

10 Q. And do you know when you first saw a copy of
11 it?

12 A. I do not know when.

13 Q. Would you have seen a copy of it near the time
14 you started working on the site?

15 A. I may have seen it then. I don't know for
16 sure.

17 Q. Was the information contained in Exhibit
18 No. 117 significant information for you in your work as
19 a project manager for Integral on the site?

20 MR. DODSON: Objection, form.

21 A. Can you be more specific?

22 Q. (BY MR. WOTRING) Well, I can direct you to the
23 table of contents, which is on Roman Numeral II. And
24 was any of this information on that page or the next --
25 these two pages contained in the contents of Exhibit

1 No. 117, was that significant information to you in your
2 role as a project manager for this site, let's say from
3 the time you started working on the site until April of
4 2010?

5 MR. DODSON: Objection, form.

6 A. I feel I'd have to read each of the statements
7 to make that judgment.

8 Q. (BY MR. WOTRING) Do you have any memory of
9 using this document in your work as a project manager
10 for Integral during -- all right. Well, I tell you
11 what, go ahead and review the document.

12 A. This exhibit doesn't include the references.

13 Q. Okay. And if it doesn't include the
14 references, are you able to answer my question?

15 A. Again, I would have to continue reviewing it.

16 Q. Okay.

17 (Time Clock Stopped: Witness reviewing
18 document from 5:15 to 5:31)

19 A. I've completed a cursory review of Exhibit 117.

20 Q. Okay. And I believe my question that resulted
21 in the cursory review was whether any of the information
22 contained in Exhibit No. 117, the HRS Documentation
23 Record, was significant to you from the time you started
24 work on the San Jacinto River waste pits through April
25 of 2010.

1 A. Some of it was.

2 Q. And which portions were?

3 A. Results of analyses of samples from the site.

4 Q. Anything else?

5 A. Do you want to go through it page by page?

6 Q. Yeah, sure.

7 A. Page 2.

8 Q. Okay. All information on Page 2?

9 A. I'm looking at Page 2. To be honest with you,
10 I'm feeling a little uncertain about what you want me to
11 address. Each sentence? You know, whether the EPA's
12 ranking process is significant? I don't understand.

13 Q. Okay. The question is when you started your
14 work on the site, and from that period of time through
15 April of 2010, which portions of this exhibit you felt
16 were significant to your work.

17 MR. DODSON: Objection, form.

18 Q. (BY MR. WOTRING) And I guess the first
19 question I ought to ask is do you know if you can answer
20 that question based upon your current memories?

21 A. I did answer it. The analytical results --

22 Q. All right.

23 A. -- would have been significant.

24 Q. Do you know if any other portions of this would
25 have been significant to you during that period of time?

1 A. The locations of the samples that were
2 discussed would have been significant.

3 Q. Anything else?

4 A. EPA's choice of pathways to address would have
5 been of interest. The references which I ultimately
6 found would have been of interest. Results of EPA's
7 scoring would have been of interest.

8 Q. Okay. Any other portion that would have been
9 of interest to you during that period of time?

10 A. Not that I can identify right now.

11 Q. Okay. If I can turn your attention back to
12 Exhibit No. 33, and I'm going to look at Page 23 of
13 Exhibit No. 33. That's the Public Health Assessment.

14 A. I have the exhibit.

15 Q. Okay. On Page 23, I'm going to ask you about
16 the sentence that we may have reviewed before, and it's
17 the second full paragraph on Page 23 starting with "On
18 October 14th, 2009"?

19 A. I see the sentence.

20 Q. Okay. The next sentence, or two sentences
21 later says, "During the site visit, DSHS team members
22 talked with a number of families who were fishing and
23 wading in the San Jacinto River beneath the I-10 Bridge
24 immediately downstream of the site and others who were
25 fishing while squatting in two to three feet of water

1 directly over the pits on the east side of the site."

2 Here's my question. Is that sentence
3 describing Beach Area E?

4 MR. STANFIELD: Objection, form.

5 A. The sentence appears to be describing
6 activities of the state representatives.

7 Q. (BY MR. WOTRING) Okay. And is it describing
8 what they are seeing from the number of families who
9 were fishing and wading in the San Jacinto River beneath
10 the I-10 Bridge immediately downstream of the site and
11 others who were fishing while squatting in two to three
12 feet of water directly over the pits on the east side of
13 the site, would those activities fall within Beach
14 Area E?

15 MR. STANFIELD: Objection, form.

16 A. Can I look at Beach Area E?

17 Q. (BY MR. WOTRING) Beach Area E is contained
18 in -- I think it is --

19 A. I've found the map of Beach Area E.

20 Q. Yes. So having -- thank you for doing that.
21 Having found the map of Beach Area E, do the activities
22 reflected in this sentence from the Public Health
23 Assessment appear to fall within Beach Area E?

24 MR. STANFIELD: The same objection,
25 objection to form. And, you know, Jennifer, don't

1 speculate. If you know, you should answer.

2 A. It's not clear where beneath the I-10 bridge
3 were the families that they were talking to. The Beach
4 Area E does not encompass the entire area beneath the
5 bridge.

6 Q. (BY MR. WOTRING) Who set the parameters for
7 Beach Area E?

8 A. Ann Bradley and Ellen Ebert.

9 Q. And why didn't they include the area underneath
10 the bridge?

11 MR. STANFIELD: Objection, form.

12 A. There were no data for that area for sediments,
13 and sediments are too deep for human contact under the
14 bridge, in parts of it.

15 Q. (BY MR. WOTRING) In fact, who set the
16 parameters for each one of the Beach Area Es initially?
17 Integral?

18 MR. STANFIELD: Objection, form.

19 A. Each one of the Beach Area Es?

20 Q. (BY MR. WOTRING) No, each one of the beach
21 areas.

22 MR. STANFIELD: Well, that's not what the
23 question was originally. But object to form.

24 A. The determination of those beach areas is
25 described in Exhibit 390.

1 Q. (BY MR. WOTRING) Okay. And who made the
2 initial determination of how to lay out, or the
3 boundaries of each one of the beach areas?

4 MR. STANFIELD: Objection, form.

5 A. Originally, the beach areas were determined
6 collaboratively in a meeting with EPA and TCEQ present
7 in which we discussed the approach to the Sediment
8 Sampling and Analysis Plan.

9 Q. (BY MR. WOTRING) Who made the original
10 proposition on the areas defined in the different beach
11 areas? Did EPA come in with those different areas, or
12 is that something that -- well, let me start there. Did
13 EPA come in with a map identifying the different beach
14 areas to be used?

15 A. I don't remember.

16 Q. Do you remember who drew the first map
17 suggesting the different beach areas?

18 A. I don't remember.

19 MR. WOTRING: Okay, that's all the
20 questions I have. Thanks.

21 MR. STANFIELD: I have a couple of hours'
22 worth. I'll pass the witness and reserve until the time
23 of trial.

24 MR. DODSON: Reserve until the time of
25 trial.

1 THE VIDEOGRAPHER: It's 5:33. We're off
2 the record.

3

4 (Proceedings concluded at 5:33 p.m.)

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1 CORRECTIONS AND SIGNATURE

2 WITNESS: Jennifer Sampson White

3 DATE OF DEPOSITION: April 17, 2014

4 PAGE LINE CHANGE REASON

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I, JENNIFER SAMPSON WHITE, have read the foregoing
deposition and hereby affix my signature that same is
true and correct, except as noted above.

JENNIFER SAMPSON WHITE

THE STATE OF _____)
COUNTY OF _____)

Before me, _____, on this
day personally appeared JENNIFER SAMPSON WHITE, known to
me (or proved to me under oath or through
_____) (description of identity card or
other document) to be the person whose name is
subscribed to the foregoing instrument and acknowledged
to me that they executed the same for the purposes and
consideration therein expressed.

Given under my hand and seal of office on this
_____ day of _____, _____.

NOTARY PUBLIC IN AND FOR
THE STATE OF _____

CAUSE NO. 2011-76724

Harris County, Texas,) IN THE DISTRICT COURT OF
 et al., Plaintiffs,)
 vs.) HARRIS COUNTY, TEXAS
 International Paper)
 Company, et al.,)
 Defendants.) 295TH JUDICIAL DISTRICT

CAUSE NO. 2012-58016

Dao Van Pho, et al.,) IN THE DISTRICT COURT OF
 Plaintiffs,)
 vs.) HARRIS COUNTY, TEXAS
 International Paper)
 Company, et al.,)
 Defendants.) 125TH JUDICIAL DISTRICT

CAUSE NO. 2012-66308

Jim Harpster and Jennifer) IN THE DISTRICT COURT OF
 Harpster, et al.,)
 Plaintiffs,)
 vs.) HARRIS COUNTY, TEXAS
 International Paper)
 Company, et al.,)
 Defendants.) 11TH JUDICIAL DISTRICT

REPORTER'S CERTIFICATE

ORAL AND VIDEOTAPED DEPOSITION OF JENNIFER SAMPSON WHITE

April 17, 2014

I, Jan Johnston, Certified Shorthand Reporter in
 and for the State of Texas, hereby certify to the

1 following:

2 That the witness, JENNIFER SAMPSON WHITE, was duly
3 sworn by the officer and that the transcript of the oral
4 deposition is a true record of the testimony given by
5 the witness;

6 That the deposition transcript was submitted on
7 April 29, 2014 to the witness or to the attorney for the
8 witness for examination, signature and return to me by
9 May 19, 2014.

10 That the amount of time used by each party at the
11 deposition is as follows:

12	Mr. Earnest W. Wotring	(05:35:23)
	Ms. Debra Tsuchiyama Baker	(00:00:00)
13	Mr. Rock W.A. Owens	(00:00:00)
	Mr. Craig A. Stanfield	(00:00:00)
14	Mr. Glenn A. Ballard, Jr.	(00:00:00)
	Mr. Christopher L. Dodson	(00:00:00)
15	Mr. Albert R. Axe, Jr.	(00:00:00)

16 That pursuant to information given to the
17 deposition officer at the time said testimony was taken,
18 the following includes counsel for all parties of
19 record:

20	Mr. Earnest W. Wotring, Attorney for PLAINTIFF
	HARRIS COUNTY, TEXAS
21	Ms. Debra Tsuchiyama Baker, Attorney for PLAINTIFF
	HARRIS COUNTY, TEXAS
22	Mr. Rock W.A. Owens, Attorney for PLAINTIFF HARRIS
	COUNTY, TEXAS
23	Mr. Craig A. Stanfield, Attorney for DEFENDANT
	INTERNATIONAL PAPER COMPANY
24	Mr. Glenn A. Ballard, Jr., Attorney for DEFENDANT
	WASTE MANAGEMENT, INC., AND WASTE MANAGEMENT OF TEXAS,
25	INC.

Mr. Christopher L. Dodson, Attorney for DEFENDANT

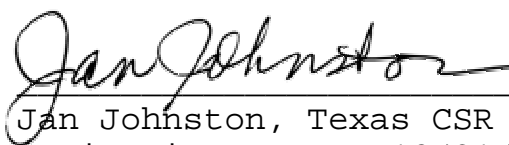
1 WASTE MANAGEMENT, INC., AND WASTE MANAGEMENT OF TEXAS,
INC.

2 Mr. Albert R. Axe, Jr., Attorney for DEFEDANT
3 MCGINNES INDUSTRIAL MAINTENANCE CORPORATION

4 I further certify that I am neither counsel for,
5 related to, nor employed by any of the parties or
6 attorneys in the action in which this proceeding was
7 taken, and further that I am not financially or
8 otherwise interested in the outcome of the action.

9 Further certification requirements pursuant to
10 Rule 203 of TRCP will be certified to after they have
11 occurred.

12 Certified to by me on this 23rd day of
13 April, 2014.

14 

15 Jan Johnston, Texas CSR 1124
16 Expiration Date: 12/31/2014
17 Johnston Reporting Service
18 Firm Registration No. 110
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